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REFUGEES: SEEKING SOLUTIONS TO A GLOBAL CONCERN

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TUESDAY, SEPTEMBER 21, 2004

UNITED STATES SENATE,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY AND CITIZENSHIP
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:30 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Saxby Chambliss, Chairman of the Subcommittee, presiding.

Present: Senators Chambliss and Kennedy.

OPENING STATEMENT OF HON. SAXBY CHAMBLISS, A U.S. SENATOR FROM THE STATE OF GEORGIA

Chairman CHAMBLISS. The Subcommittee will come to order. I thank our witnesses for being here today to talk about a very important issue, and that is the number of refugees around the world and what the United States is doing to resettle them here or to seek other viable solutions to their displacement.

According to the United States High Commissioner for Refugees, there were about 9.7 million refugees worldwide at the end of 2003, down from 10.5 million at the end of 2002. The U.S. Committee for Refugees' World Refugee Survey estimates that of the world's refugee population, more than 7 million refugees have been restricted to camps for 10 years or more.

While the overall decrease in the world's refugee population is promising, the numbers remain staggering. The United States has long been a world leader in providing permanent resettlement to refugees around the world. In fact, it is U.S. policy to admit half the refugees identified by the United Nations High Commissioner for Refugees each year.

For fiscal year 2004, President Bush authorized the resettlement of 70,000 refugees to the United States. And according to the State Department, we are on track to admit just over 50,000 by the end of the fiscal year. As many of you know, after September 11, 2001, security concerns resulted in a number of changes to our refugee program and the U.S. admitted fewer than 30,000 refugees for fiscal years 2002 and 2003. The numbers for this fiscal year reflect the hard work of the administration and all of those involved, and I would like to commend them for this achievement.

Despite all the work the U.S. has done to offer resettlement to some, the worldwide refugee population remains a vast concern. I hope today's hearing can shed light on what the United States is

doing bilaterally or multilaterally to encourage other nations to increase their efforts to resettle refugees.

I was surprised to learn that the United States historically resettles half of all the refugees that get resettled in the world, leaving the rest of the world combined to resettle the other half. Of course, I realize that permanent resettlement is not the best option for every refugee, and I believe we should look at creative, new solutions to deal with refugees within the countries to which they first flee.

Our witnesses today bring a depth of knowledge and experience on the issue of refugee policy. Secretary Dewey serves as Deputy Assistant Secretary for the Bureau of Population, Refugees and Migration in the State Department, and previously served as the United Nations Deputy High Commissioner for Refugees. Eduardo Aguirre is the Director of Citizenship and Immigration Services at the Department of Homeland Security, and as a former refugee himself has a unique personal experience to bring to this discussion.

I know the issue of refugees is one that my colleague, Senator Kennedy, is very passionate about, and I would like to commend him for his good work on this issue for a number of years. I would have to say that he has certainly enlightened me to this issue. Because of his passion and his commitment to this issue, this hearing has been brought about today.

I would like at this time to turn it over to Senator Kennedy for any comments he would like to make.

**OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S.
SENATOR FROM THE STATE OF MASSACHUSETTS**

Senator KENNEDY. Thank you very much, Chairman Chambliss. I want to thank you for holding these hearings, and also for our recent meeting with the Secretary of State to have a chance to talk with the administration about the general challenges of refugees, and also about the administration's policy on the admission of refugees.

The provision which mandates the meeting with the Secretary of State was put in by our good friend and former Chairman of the Subcommittee, Al Simpson, with my support. It has been adhered to by Secretaries of State over a period of years and it does give a highlight to both the problems of the refugees and also to policy. We have benefited from this meeting. We thank our two witnesses who attended those meetings with the Secretary, and we certainly commend the administration for the progress that we have made over the period of this last year.

We thank you very much, Mr. Chairman, for your kind words and for your attention to this issue and the leadership you are providing.

Refugees are a global concern. As the late refugee and human rights scholar Arthur Helton said, "Every refugee is a story in some sense. They are a physical, flesh-and-blood manifestation of the ways in which people cannot live together and the failure of governance and international relations."

Those words are true today. From the war in the Middle East to the political upheaval in Haiti, to starvation in North Korea, to

genocide in Sudan, war is front-page news, but refugees seldom dominate the headlines. The troubles of our time are exacting a heavy toll on people fleeing from conflict and oppression. Throughout the world, people are on the move, and more and more refugees are silent witnesses to the cruelties that stain our age.

America has a proud history as a haven for refugees, and we must continue to live up to it. Since the end of World War II, refugee assistance has been a conspicuous aspect of our leadership in the world. No other nation has made the political, financial and moral commitment that the United States has made to protecting the persecuted from harm.

In light of the vast refugee population and the enormous humanitarian need, the United States must continue to support refugee policies, and other industrial nations must do a good deal more as well. By maintaining a generous refugee program, the United States sets an example that other nations are more likely to follow.

While we try to find durable solutions for the world's refugees, we also need to do more to improve their daily lives. Today, as the Chairman pointed out, over 7 million refugees are warehoused, confined and deprived of their basic rights under the Refugee Convention, including the right to work, to travel, to have an education. In the most serious cases, they are confined in refugee camps for 10 years or more and have no hope of returning to normal lives.

Especially in the post-9/11 world, we cannot let refugee youth waste years of their lives in harsh camps. If we don't provide them with an opportunity to receive an education and earn a living, some of them may be susceptible to influence by terrorist groups who want to do us harm.

The State Department and the Department of Homeland Security have made significant progress in the last year to increase the number of refugees admitted to the United States. We must continue this progress and restore refugee admissions to a generous level. I also commend the United Nations High Commissioner for Refugees and the countless refugee humanitarian organizations for their extraordinary commitment in resolving these problems.

I look forward to hearing from our witnesses, particularly in the area of funding for migration and refugee assistance accounts, solutions for long-term refugees and issues relating to asylum.

Thank you very much, Mr. Chairman. I join you in welcoming our witnesses.

Chairman CHAMBLISS. Thank you.

Gentlemen, we are pleased to have you back with us today. We look forward to your testimony and to dialoguing with you with a few questions.

Mr. Aguirre, we will start with you.

STATEMENT OF EDUARDO AGUIRRE, JR., DIRECTOR, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, WASHINGTON, D.C.

Mr. AGUIRRE. Thank you, Chairman Chambliss and Ranking Member Kennedy. I am again honored to have this opportunity, alongside my colleague, Assistant Secretary Dewey, to discuss the President's proposal for refugee admissions in fiscal year 2005 and

the role of United States Citizenship and Immigration Services, USCIS, in the United States refugee program.

As you have heard me say previously in this very chamber, refugees issues hold a special place in my heart. I know what it is like to be a refugee because, in fact, I was one. Forty-2 years ago, I came to this land of freedom and opportunity as a 15-year-old unaccompanied minor from Cuba. I arrived without family or money and no working knowledge of the English language.

I was welcomed and cared for by charitable organizations that provided support and guidance to me as I began my new life in the United States. I would like to again offer my personal thanks to those organizations and to those that continue to provide a warm welcome to refugees arriving today.

I followed in the footsteps of millions of others who have come to America from other countries in search of freedom, in search of opportunity and in search of a better life. I myself found all three, for which I am grateful beyond words.

Having realized my version of the American dream, it is poignantly gratifying for me to lead an organization that plays a critical role in offering a new home and a brighter future to individuals who have fled persecution.

Some may find it remarkable that as an immigrant, I would be in charge of United States immigration services. Instead of remarkable, I think it simply underscores the fact that naturalized citizens in the United States are not second-class citizens. Native-born or naturalized, as Americans we shoulder the same rights and responsibilities.

I share Assistant Secretary Dewey's pleasure in being able to report good news to you today. After 2 years of low numbers of refugee arrivals, admissions in fiscal year 2004 will exceed the allocated level of 50,000. This year's admission of the allocated levels and some of the reserve reflects the hard work, adaptability and commitment of governmental, non-governmental and international organizations, all partners in the refugee program.

This past year, USCIS deployed nearly 140 temporary duty officers on 60-day assignments overseas to supplement our existing refugee adjudicators who are permanently stationed abroad. Our officers conducted refugee status interviews of over 70,000 individuals in nearly 50 different locations for applicants from at least 60 nations.

Two new programs that have been noteworthy in this year are focusing on the resettlement of the Meshketian Turks in Russia and the Lao Hmong in Thailand. Among other indicators of this successful year, 2004 admissions reflect the program's increased responsiveness to vulnerable refugees in need of resettlement.

While 10 years ago fewer than 6,000 African refugees were admitted to the United States, this year more than 28,000 African refugees will be admitted. Our officers conducted eligibility interviews in 18 different African countries, often processing in remote and difficult locations.

It is indeed a positive development that the refugee program has become more diverse, with small at-risk populations processed in more locations. This shift in focus, however, presents new chal-

lenges, perhaps the most difficult being the need to balance national security concerns with humanitarian objectives.

Although the use of temporary duty officers has allowed us, USCIS, to meet our refugee processing responsibilities to this date, the complexity of refugee adjudications in the wake of September 11 calls for officers with sustained overseas processing experience who have developed regional expertise.

I therefore am pleased to announce that we have begun the work necessary for the hiring and deployment of a dedicated core of refugee officers in fiscal year 2005. This new cadre of specially trained officers, funded through the examinations fee account, will improve the quality of refugee adjudications, enhance our ability to combat fraud and screen for national security risks, as well as fulfill the humanitarian objectives of the refugee program.

One of the missions of USCIS is to restore public confidence in the integrity of America's immigration services; that is, to provide the right benefit to the right person in the right amount of time, while preventing the wrong applicant from accessing our benefits.

The high priority that we place upon maintaining the integrity of our program reaches throughout the organization. Our efforts to verify the claimed family relationships of all refugee applicants are continuing and have resulted in the identification of numerous cases involving identity fraud and relationship misrepresentation. By adopting a strong, unequivocal position on fraud, we have been able to ensure that U.S. protection is extended to legitimate refugee applicants, while not compromising the security of our Nation.

In closing, I would like to assure you that along with my personal commitment to the mission of the U.S. refugee program, you also have the commitment of the Department of Homeland Security as well. One-and-a-half years since its creation, refugee issues are a visible, high and important priority within the Department. My hope is that 1 day freedom and liberty will be enjoyed by all people, and that there will be no longer individuals who are forced to flee their homeland due to war or fear of their lives or for their political or religious beliefs. In the meanwhile, we will be here to do our job. I will be pleased to respond to any questions or comments after Secretary Dewey.

[The prepared statement of Mr. Aguirre appears as a submission for the record.]

Chairman CHAMBLISS. Thank you very much, Mr. Aguirre, and your personal situation allows you to bring a very unique perspective here. Under your leadership, obviously, good things are happening there and you are doing a great service to our country as well as your Department. So thank you.

Mr. Dewey, we are certainly glad to have you here and we look forward to hearing from you at this time.

**STATEMENT OF ARTHUR E. DEWEY, ASSISTANT SECRETARY,
POPULATION, REFUGEES AND MIGRATION, DEPARTMENT
OF STATE, WASHINGTON, D.C.**

Mr. DEWEY. Thank you very much, Mr. Chairman and Senator Kennedy. I appreciate this opportunity to discuss where we are and where we are going with the U.S. refugee admissions program. I

would like to provide a brief summary of my written statement and then submit that longer statement for the record.

Chairman CHAMBLISS. Certainly.

Mr. DEWEY. The Bureau of Population, Refugees and Migration is responsible for refugee protection and refugee solutions. This year has been a banner year for refugee solutions. The return of approximately 300,000 refugees to their homes in Africa and nearly 1 million this year on top of about 2.5 million last year returning to Afghanistan has brought the worldwide refugee population down by about 17 percent this year alone, and we have a realistic prospect of another 17-percent reduction next year if this pattern continues. This pattern, of course, is not just a matter of providing the welcome back home for our refugees who have left, but also to provide the funding for sustainment of these solutions.

The performance of the U.S. refugee admissions program this year has also struck a significant blow for refugee protection. Increasingly, we are reaching out to some 60 nationalities in 46 different locations around the world in our rescue and protection effort for those who have no other hope for their future.

At day's end today, we will have admitted over 48,000 refugees in this fiscal year. Confirmed seats on aircraft will bring the total up to over 52,000 refugee admissions by September 30. This is an increase of 80 percent over our total last year. We will not only have met our allocated refugee numbers for 2004, but we will also enter fiscal year 2005 with a healthy pipeline of approved cases in the final stages of processing.

This record, I believe, shows that we know what it takes to maintain and to grow a healthy refugee admissions program, and this despite the major Earth shift when the Cold War ended, a major shift for those people fleeing oppression, and also despite the daunting requirements after 9/11 to keep our borders open for refugees, and at the same time keeping those borders secure.

The team—and this has been an extraordinary team effort from the State Department, Homeland Security, Health and Human Services, together with our NGO implementing partners and advocates—has convincingly demonstrated that the administration has the right stuff to grow the admissions program as the President directed that it be grown before the tragedy of 9/11.

During and immediately after the Cold War, we had access to hundreds of thousands of refugees in two major places—Southeast Asia and the former Soviet Union. Now, we must seek out refugees in much smaller clusters located in 46 different and often dangerous places around the world.

My bureau and Eduardo Aguirre's Bureau of Citizenship and Immigration Services in the Department of Homeland Security have spent millions of dollars of unexpected and unbudgeted dollars to move thousands of refugees to safer locations in Africa for processing. After arrival in these new locations, we have committed additional funds to harden these facilities to permit uninterrupted processing.

Other security enhancements and streamlining procedures such as more stringent name checks have added significantly to the new costs of doing admissions work today. These new measures are vital both to growing and to keeping the admissions program alive,

and they are costly. Before 9/11, the cost per refugee admitted was about \$2,200. This year, the cost will be \$3,500 per refugee.

To reach our goals this year, we expanded the concept of rescue to include new populations such as the Meshketian Turks in Russia. We have also expanded family reunification.

Senator KENNEDY. Mr. Chairman, that is \$2,200 and \$3,500, and that is for how long a period of time? What was the extent of the period of time, the months that you used to cover? Or don't you do that at all?

You give it a lump sum?

Mr. DEWEY. These are the costs to the State Department per refugee for the fiscal year. That is the cost to—

Senator KENNEDY. I will wait my turn, but I thought you used to do it for a period of like 15 months or 24 months, and then that was reduced in the last several years to a shorter period of time as the total amount was reduced. But I am misinformed, am I, or do you just give them a block grant?

Mr. DEWEY. No. The cost after they arrive in the United States is up to 90 days that we fund.

Senator KENNEDY. That is what I was interested in. thank you.

Chairman CHAMBLISS. Well, I had a question about that, too. The \$3,500 you tell me, is that just to get them here?

Mr. DEWEY. That is to get them here and the additional costs of the movement to safe places, the hardening of those safe places and the reception and placement costs to the NGOs who receive them and sponsor them during that first 90 days.

Chairman CHAMBLISS. Thank you.

Mr. DEWEY. We have worked intensively with the office of the UN High Commissioner for Refugees to mainstream resettlement and to create in UNHCR a resettlement culture. This year, we expect the UNHCR will refer at least 21,500 individual refugee cases to the United States through this initiative.

Refugee advocates in the NGO community, especially at Refugee Council USA and Interaction, played key roles in the identification and sponsorship components of the resettlement process. Our NGO partners in the United States have helped in major ways to streamline sponsorship processes.

Particularly with your interest, Mr. Chairman, in the burden-sharing and getting other countries to do more, this is important to us because one of the major reasons we work through the United Nations is to get burden-sharing through the United Nations. We work very hard in getting financial burden-sharing for refugee assistance overseas, and it is clear that we have to work more through UNHCR to get more burden-sharing so that our percentage of the UNHCR referral, now at 54 percent, can come down to a more reasonable proportion.

UNHCR's improved ability to identify resettlement cases also helps further our mutual goal of increasing the number of countries involved in resettling refugees. The rest of the world combined takes less than half as many refugees as the U.S. does.

Other states have accepted some 20 to 25,000 refugees for resettlement in the past 12 months, as opposed to nearly 53,000 for the United States. Many European nations state that they are con-

tending with large numbers of asylum seekers and are unable to voluntarily accept refugees from overseas as well.

But the U.S. receives asylum seekers, too, and that in no way diminishes our commitment to resettle refugees. We will continue to work with the UNHCR and other countries to encourage the expansion of resettlement as a durable solution for refugees in need, and this will be part of the transformation of the program going into next year.

We believe that we have accomplished all of the initiatives set forth in last year's report to Congress, with one exception, and that is that there is the need to develop targeted strategies to improve the protection of unaccompanied minors. This will be a key focus for fiscal year 2005.

The fiscal year 2005 presidential proposal includes several program modifications, including revised definition of processing priorities; expansion of Priority 3, which is the family reunification eligibility; and limited universal in-country processing authority.

During fiscal year 2005, we intend to examine possible changes to improve and streamline the admissions process without compromising national security. We will explore additional measures to counter fraud and corruption, and to enhance the physical security of particularly vulnerable refugees abroad.

The administration's fiscal year 2005 proposed ceiling of 70,000 refugees, with 50,000 regionally allocated, reflects the President's commitment to a continued sustained recovery and growth in our program. However, the per-capita cost of resettling each refugee is likely to remain high. There just won't be those economies of scale, despite the fact that we are bringing in greatly increased numbers.

In order to be able to admit refugees into the 20,000 unallocated numbers, we will have to work very hard to identify additional refugees in need of resettlement and to reach them, access them and process them safely. And we will need to work very hard to identify the funding to support them, while continuing to meet the critical humanitarian assistance requirements that continue to exist around the world. I would put in that category the need not to jeopardize or compromise the substantial costs of sustaining refugee solutions, such as the remarkable solution in Afghanistan.

Thank you very much, Mr. Chairman and I welcome your questions.

[The prepared statement of Mr. Dewey appears as a submission for the record.]

Chairman CHAMBLISS. Thank you very much, Mr. Secretary. You mentioned in your written statement that we have for the record that you are reviewing a comprehensive study of the refugee program that the State Department has commissioned.

Does that report make any recommendations for statutory changes, and if so what specifically is involved there?

Mr. DEWEY. I am not aware that there are specific statutory change recommendations. Our hope has been that we would get some ideas as to how to enlarge the eligible pool for our consideration through non-statutory means, and this is what we are looking at particularly for the refugees in the warehoused category that you mentioned.

Chairman CHAMBLISS. What about the report as far as recommending for the issue addressing fraudulent claims or cases where individuals are from countries where terrorist groups are known to operate?

Mr. DEWEY. This is part of the balance that Eduardo mentioned. We realize that if we admit a terrorist, we strike a heavy body blow to the entire admissions program. We have had some hits to the intelligence base, so we know that it is a real risk. It is something we have to be continually vigilant about.

We will continue that, but at the same time being realistic and recognizing that there are some approved cases—and I am thinking of Iraqi cases in Beirut and other parts of the Middle East that have been approved that have kept in limbo—this is another warehousing situation that concerns me a great deal and we need to saw off on this and get a determination that some of those cases that don't appear to have any threat to the security of the country—that those cases be brought in.

Chairman CHAMBLISS. We obviously slowed down our influx of refugees following September 11. Did you find any corresponding reduction in activity from other countries following September 11?

Mr. DEWEY. Not really. Their contribution has been so pathetically small anyway that there really wasn't, except that our proportion before 9/11 was much higher than the proportion now, the 54 percent now. I don't think that has had an effect on the other countries.

Chairman CHAMBLISS. Director Aguirre, you mentioned the refugee corps on your testimony. Can you explain further how these specifically trained officers will do things differently than in the past, and what are the risks to the U.S. refugee program that these officers will address that have not been addressed previously?

Mr. AGUIRRE. Mr. Chairman, it is a comprehensive focus that we are going to have on dealing with refugees. First of all, we are going to hire people that are suitable to this particular environment. They are willing to travel to difficult places. They are going to have language skills that perhaps are not present today throughout our agency. They are also going to understand regional nuances that are going to add value to their processing of refugees.

If I could take just a quick second, a refugee almost by definition is lacking in many of the documentations that we look for with other immigrants. Because they oftentimes fled their country with just the clothes on their back, they don't bring birth certificates or graduation certificates or any number of things we look for to corroborate their story.

Therefore, the science, if you will, and the art of an interview adds a lot of value to our understanding the story of the individual. So we need to have good language skills, good ability to communicate with them, and at the same time understand what are some of the other stories that are being told by others so that there is substantiation.

That is just one of the aspects of what the refugee corps will bring to the table. The other aspect, of course, is that we will have less disruption in the lives of our existing asylum officers who are now being deployed on a temporary basis for 60 days at a time. These individuals are going to be able to maintain the continuity

of their jobs by staying in San Francisco or Boston or wherever they may happen to be.

So all of that, I think, is our effort to deal with this changing and shifting population which is the refugee population.

Chairman CHAMBLISS. As a general matter, do you feel that the U.S. is less at risk from security concerns or fraud concerns by facilitating people coming to our country through the current refugee program which pre-screens these individuals, compared to people who claim asylum once already in the United States?

Mr. AGUIRRE. Mr. Chairman, I don't think that there is a lesser or greater risk, considering that we are going to put all applicants through the same filters of background checks and careful scrutiny regardless of whether they come to us as a refugee abroad or arrive on our shores seeking asylum.

At our U.S. Citizenship and Immigration Services, we will do all the necessary background checks, whatever is available to satisfy ourselves as to the bona fides of the individuals. Of course, we are looking for potential terrorists. There is no question about that. But we are also looking for potential fraud, people that would simply be undermining the integrity of the system, and therefore reducing the value to the future legitimate immigrants that may come here.

But from a security standpoint, we are not cutting any corners. If anything, we are adding additional layers.

We are making sure that not only are we doing the background checks, but also we are establishing computer systems that are going to indicate to us unusual behavior or unusual patterns by certain populations, et cetera.

Chairman CHAMBLISS. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

Secretary Dewey, just to get back to a point that you were talking about during your presentation about the costs of the refugees, as I understand it, they do reimburse the Department, don't they, for their airfare?

Mr. DEWEY. That is right, and the reimbursement record is very good.

Senator KENNEDY. The reimbursement record is very good. I think that is important to know because when you lay these figures out, they are sizable amounts and the commitment that they make to reimburse is impressive. I was asking staff about what the record was, and I think it is reassuring to know that they do. I mean, I think it is important that they do and they record shows that they do.

I imagine it varies in terms of the support of the particular individual, or if they are in a family and they are going into these different kinds of communities, what it takes to get them settled and to get them sort of up and running.

I mentioned the other day when we met that we had, I think, 1,000 Bhutanese that came into Massachusetts. All of them have been enormously successfully settled, very much involved. I met with about 2 or 300 of them once at a very impressive sort of church ceremony and they have just been extraordinary citizens. I think it is not surprising for people whose ideal has been to come to this country and to try and make better do with it.

But I guess it does vary, doesn't it, about what kind of support an individual gets or a family gets to try to get them going in the communities. Is that right?

Mr. DEWEY. The per-capita amount for refugees is \$800 and then the NGO gets a headquarters portion about that. As far as each refugee, they get a fixed amount. But the ability to integrate depends a lot on the anchor relative or an anchor group that has already gone through the drill of getting housing, getting language training, and so forth.

We are finding, for example, with the Somali Bantus, a wonderful group from Africa that has survived all kinds of persecution and have still come through, they are really capable, adept, good managers. They have shown it in the camps in Kenya. They had to start from scratch when they came here, and I saw how they were starting in Utica, New York. They were given a warm welcome by Utica. Utica loves refugees; Utica has benefited from refugees.

The town that was going downhill is now reviving because of refugees and Somali Bantus are coming into that welcoming atmosphere. So even though they are new and just beginning and there are still only a few, they are going to be good citizens of Utica.

Senator KENNEDY. Well, that is a good story. In Lowell, Massachusetts, is the second highest number of Cambodians outside of Phnom Penh, but most of them came into other communities across the country and then infiltrated down there to Lowell.

Last year, I believe, or the year before, of our 12 high schools, I think 7 of the valedictorians were sons of Cambodians. I mean, it is very impressive. They have resettled in some of the underserved communities and are doing the job.

Let me ask you just about—in looking over the figures that have been requested next year, \$730 million, to get to your goal of 70,000 admissions, you still need additional resources. Is that right?

Mr. DEWEY. That is correct.

Senator KENNEDY. And that is \$80 million more?

Mr. DEWEY. It is approximately \$87 million.

Senator KENNEDY. And the Department is going to get behind that request and do what it can to try and get it and look for support for it.

Mr. DEWEY. They had better.

Senator KENNEDY. I think I heard an affirmative answer on that.

Let me ask, Mr. Aguirre, we have the cap on asylum and it is 10,000. As I understand it, we have 140,000 asylees that have applied for adjustment of status. So they wait 14 or 15 years under the current cap. Now, they can work; they can get a work permit, but it is difficult to travel, and there is no way that they can get on the track for citizenship.

They have to run through the traps in terms of being qualified under asylum, and that is a very vigorous regime, as we know. Once they make that, they are still really held back in terms of their ability to become full-fledged involved in the community and the country.

I was wondering what your position on that is. Once they qualify for asylum, should we make it easier for them to be able to get the green card and move on the road toward citizenship if they qualify?

Mr. AGUIRRE. Well, Senator, as you know, the issue of the cap here has to do with adjustment, as you indicated, of those individuals that are already granted asylum in this country.

Senator KENNEDY. That is right.

Mr. AGUIRRE. And indeed it takes probably the better part of 12 years for whoever is coming in now to get on that conga line, if you will, to get to that cap. I think the cap needs to be revised, and I think the Congress and the administration would do well to look at it again, making sure that we don't in any way dilute the security aspects of things. But I feel that the security aspect can be ameliorated from the standpoint that these individuals are already here.

There are differing aspects to the administration's position. The position that our Citizenship and Immigration Services Bureau would take is more progressive, if you will, than those who perhaps are concerned, and rightly so, about the enforcement side of this particular aspect. But I think a dialogue is very much in place.

Senator KENNEDY. Well, I hope we can continue. I think you are right. We are not talking about any loosening in terms of the clearances on this; those all have to be conformed with. But once they do that, then to sort of hold them back and treat them, for 14 to 15 years, separated from their families and the rest, is something that we ought to give some thought to.

Thank you very much, Mr. Chairman.

Chairman CHAMBLISS. Thank you.

Senator Kennedy alluded to our meeting with you gentlemen and Secretary Powell recently, and that was a very informative and very open meeting and we look forward to continuing that dialogue.

I have to tell you you are one of the few Government agencies that comes in here asking for more work from Congress, and that is good to hear.

Mr. AGUIRRE. It is this immigrant thing, you know.

Chairman CHAMBLISS. There you go. Well, you represent the country and your agency well, as I said earlier.

Mr. AGUIRRE. Thank you, sir.

Chairman CHAMBLISS. Gentlemen, thank you very much for your work and for being here today.

Mr. AGUIRRE. Thank you, sir.

Chairman CHAMBLISS. Our second panel consists of Mr. Charles H. Kuck, Managing Partner of the Immigration Group at Weathersby, Howard and Kuck, of Atlanta, Georgia; Mark Franken, who is Chair of Refugee Council USA, here in Washington, D.C.; and Lavinia Limon, Executive Director, United States Committee for Refugees, here in Washington, D.C.

Again, to the three of you, we appreciate very much you being here. We are very appreciative of the great work you do and we look forward to hearing your testimony and to dialoguing with you this afternoon.

Mr. Kuck, why don't we start with you? Am I saying that right? It is Kuck?

STATEMENT OF CHARLES H. KUCK, ADJUNCT PROFESSOR OF LAW, UNIVERSITY OF GEORGIA SCHOOL OF LAW, AND PARTNER, WEATHERSBY, HOWARD AND KUCK, LLC, ATLANTA, GEORGIA

Mr. KUCK. You are.

Chairman CHAMBLISS. Yes, good.

Mr. KUCK. Thank you, Senator. I certainly appreciate that.

Chairman CHAMBLISS. It is a Southern thing.

Mr. KUCK. It is certainly a Southern thing, and those of us that live in the South greatly appreciate bringing that attitude up here.

Chairman CHAMBLISS. Right. Thank you very much for being here and we look forward to your testimony.

Mr. KUCK. Mr. Chairman, I have been asked to briefly address the history of the refugee program. To bring into context what is happening today, I think it requires a better understanding of exactly what has happened in the past so we can make better determinations of how we should proceed in the future.

The refugee program as it exists today did not exist from the history of the Republic. It is only in the last 55 or so years that we actually have an effective and working refugee program. Shortly after the end of World

War II, with the sheer volume of international refugees as a result of that conflict, the beginning part of the United Nations established the Universal Declaration of Human Rights, to which the United States was a signatory. Eleanor Roosevelt was our representative at that time, and we at that time decided that we were going to take in refugees into the United States.

Now, the concept of refugees has existed for quite some time, but we as a country had not until that point accepted people on the sheer fact that they were refugees. So beginning in 1948, we began to accept these individuals. In 1951, the United Nations Convention on Refugees was signed by the United States, along with a number of the other signatories to the United Nations Charter.

The UN Convention on Refugees calls for countries to accept individuals who are displaced from their country, but even at that time there wasn't a definition of who exactly was a refugee. The refugee program over the next several years foundered, in that we accepted people who might not have been refugees in the context that we would view them today, but were clearly individuals that were important for us to accept.

I will give the court—I am sorry, Your Honor. I spend way too much time in court, Mr. Chairman.

Chairman CHAMBLISS. That is a step up and I don't think we ought to go there.

[Laughter.]

Mr. KUCK. Thank you, Senator. Beginning in the Cold War, beginning really in 1952, we realized that the refugee program could be a tool for us to use to drive home the point that we were the country of freedom, that we were the country that others should emulate, that we were the country that people should seek to be like.

We used the refugee program to admit a number of individuals from the countries of the former Soviet Union, then the USSR, to the United States, and we continued that program over the next

30 years, up until the beginning parts of the 1990's at the end of the Cold War.

Through various, different aspects of that Cold War, we admitted individuals because of the actions of the Soviet Union. I call the Senators' attention to Hungary in 1956, when the Soviet threatened and, in fact, did invade. We actually passed the Hungarian Refugee Act and admitted tens of thousands of refugees from Hungary into the United States.

We did similar things with Cubans. Mr. Aguirre, who was here a few moments ago, was a beneficiary of that program, the Cuban Refugee Act of 1966. We did the same with the Indochinese in 1977.

But it wasn't until 1980 when this Congress passed the Refugee Act of 1980 that we actually formalized the requirements of the 1967 Convention with the UN, established a definition for refugees and began to admit refugees on the basis of generalized concerns as opposed to particular geopolitical concerns.

We created a definition for refugee: those that had a fear of persecution based upon one of five different grounds. It could be race, religion, their nationality, membership in a particular social group, or their political opinion. It is then that we began to analyze objectively, so to speak, the individual concerns of refugees and whether we as the United States would accept them into the United States.

For a period of the late 1980's, during the Reagan administration and the first Bush administration, we admitted record numbers of refugees, many years totaling over 120,000 to 130,000 individuals. Virtually all of them were effectively resettled in the United States.

Many would argue that, today, one of the reasons the Cold War was won was because we emboldened people to take a stand in their countries, knowing the United States was there behind them with the concept of refugees. Many folks that ended up becoming refugees are those that took bold stands against their own government and were punished for it.

The refugee program can be today an effective program in that regard, creating an emboldening in people to stand up for what is right and for what is good and for what is just. If they know that the United States is there to back them up, to protect them when they are persecuted, I think that they will be more emboldened to take that step to increase our security in their own homelands.

After 1980, as this program grew, a subsequent treaty was passed called the Convention Against Torture. In 1998, the United States became a signatory to the Convention Against Torture, in which individuals who were subject to likely torture in their home country could also be given refugee status apart from and separate from the standards of refugees as passed in the Refugee Act of 1980.

Today, we find ourselves in a very different world than we found in 1980, very different geopolitically, different enemies and different concerns. The question now becomes how should we use the refugee program. Should we continue to use it in the way that it was used during the Reagan and first Bush administrations as a tool to enhance our security and to send our message around the world, a message of hope and freedom? Or should we merely use it as a stop-gap, as a measure to plug the leaks, kind of the little

Dutch boy effect, I call it, plugging the holes in the dam when they spring up?

It is a question that Congress and the President have to answer, and they have to answer it to the American people. How are we going to use this program? I would hope that Congress would effectively consider the very extraordinary power of bringing somebody to the United States as a refugee, the wonderful effect they have on the communities here, and the message that it sends back home that we are here to protect you, that we are ultimately and still are the land of freedom and opportunity.

Thank you, Senator.

[The prepared statement of Mr. Kuck appears as a submission for the record.]

Chairman CHAMBLISS. Thank you very much; very interesting comments and we appreciate it.

Mr. Franken, thank you for being here. We look forward to hearing from you.

**STATEMENT OF MARK FRANKEN, CHAIR, REFUGEE COUNCIL,
USA, WASHINGTON, D.C.**

Mr. FRANKEN. Thank you, Mr. Chairman. Today, I am representing the Refugee Council USA, which is a coalition of NGOs who are committed to the protection of refugees around the world and the pursuit of durable solutions for them, including resettlement.

We very much appreciate, Mr. Chambliss, your holding this hearing today on what we consider to be a matter of critical importance. Mr. Chairman, if my testimony and an accompanying report published by the Refugee Council could be inserted into the record, I could summarize in 5 minutes three points.

Chairman CHAMBLISS. Certainly, we will do that by unanimous consent, without objection.

Mr. FRANKEN. Thank you.

The first point is to acknowledge and express deep appreciation to all involved in the remarkable achievements of this past year in the refugee admissions program. We are seeing nearly an 80-percent increase in admissions this year over last, and when you consider such large numbers of refugees in the world who have no other hope but the possibility of being welcomed here, this is very much welcomed and very much needed.

To achieve these results this year took extraordinary efforts on the part of many in our Government and in the UNHCR and in the private sector. In a special way, we wish to acknowledge the leadership of Mr. Dewey and Mr. Aguirre and their staffs. We also wish to express appreciation to the Congress, especially this Subcommittee, for its effort to turn the admissions program around.

The second point relates to the future. As we look ahead, the question becomes is this year's achievement sustainable, and can our Nation resume and sustain refugee admissions to levels comparable to historic levels. We believe the political will is there. The American people understand our unique role in the world as a beacon of hope and refuge for refugees fleeing persecution.

However, in today's world we need a more dynamic and responsive infrastructure for identifying and referring and processing refugees in need of resettlement.

Our written testimony and the interim report that will be in the record include a number of specific recommended changes, including such things as greater involvement of NGOs; augmenting the UNHCR's referral capacity, creating a more dynamic outreach capacity. And one particular item here is what we refer to as rapid response teams that can go into where refugees are and help the State Department identify those in need of resettlement, expanding groups of refugees and designating them as of special concern to the United States, and allowing more refugees who have family members in the United States to be referred for consideration for admission. This is an item that the Senate has recognized as an important element. Our community is committed to working with the Government to pursue these and other necessary enhancements to the refugee program.

The third and final point I want to raise relates to the resources necessary to carry out a responsive and effective refugee admissions program. We are deeply concerned about the fiscal 2005 budget proposal which doesn't include enough funds to admit even 50,000 refugees, much less the higher levels that we propose.

To fund a more modest admissions program of 70,000, for example, without adversely affecting our commitment to overseas assistance to refugees will require, in our estimation, an additional appropriation above the administration's request of \$145 million for the State Department.

Then looking ahead to 2006, we have recommended that the administration request \$982 million for the State Department's admission program, and this would allow the admission of up to 90,000 refugees.

In closing, on behalf of the members of Refugee Council USA, I again applaud the Congress and the administration for their remarkable achievements this year. With collaborative and collective efforts in the days and months and years ahead, our Nation can remain a beacon of hope and a safe haven for refugees whose only hope for a future may lie in our welcoming them here.

Thank you very much.

[The prepared statement of Mr. Franken appears as a submission for the record.]

Chairman CHAMBLISS. Thank you, Mr. Franken.

Ms. Limon, we are pleased you are, and thank you for the good work you do. We look forward to hearing from you.

STATEMENT OF LAVINIA LIMON, EXECUTIVE DIRECTOR, U.S. COMMITTEE FOR REFUGEES, WASHINGTON, D.C.

Ms. LIMON. Thank you, Mr. Chairman and Senator Kennedy. Thank you for inviting the U.S. Committee for Refugees to testify today and for convening this most important hearing.

Recent events in the Sudan remind us that refugees are the human face of war and that escape from terror and search for freedom continues today as we speak. I have been working on behalf of refugees for almost 30 years, mostly helping to resettle refugees here in the United States. But it is clear that in the latter part of

the 20th century and the beginning of the 21st, the search for durable solutions for refugees has been a failure for the majority, since resettlement even in the best of years has never been available for more than 1 percent of the world's refugees.

As you noted in your opening remarks, Mr. Chairman, 7 million refugees have been confined to camps or segregated settlements, or have been otherwise deprived of their basic human rights, laid out in the 1951 Refugee Convention, for 10 years or more. They live lives of hopeless dependency, dangerous insecurity and endless despair.

The U.S. Committee for Refugees recommends a renewed commitment to ensure that refugees are free to exercise their rights in the absence of a durable solution, as specified in international law. These rights include the right to work, freedom of movement, the right to own property, basic education, among others.

Since USCR began highlighting the warehousing problem with the publication of our World Refugee Survey and the rights laid out in the Convention, we have had an overwhelmingly positive response. Respected academics and the major donor and refugee assistance agencies involved in refugee camp management agree with us that the warehousing of refugees and the denial of basic human rights is wrong both legally and morally. However, we have been rightfully challenged by our colleagues to develop practical ways of implementing convention rights for refugees while they are waiting for permanent solutions.

As we develop the next steps, we believe it is important to listen to refugees like Abraham, a Sudanese refugee, quote, "When I arrived in the camp, I thought I would be there for a month and then go back home. I arrived when I was 12 years old and left when I was 22. We could not travel or work outside the camp, so the camp was literally an open-air prison, a storage place where they kept human beings. We suffered the most mentally. We could not predict when this hardship would end. Even prisoners have more rights than refugees. Prisoners know exactly what term they are serving. Refugees serve indefinite terms in the camp. I thought maybe God did not mean for us to live like human beings."

We asked Abraham what might help change these warehousing conditions and he said, quote, "Keeping refugees in this condition is not smart for the international community or the Kenyan government. It increases the burden to support refugees. Refugees are not stupid or unproductive. If you give them opportunities, they can help reduce the burden on the host community." Thanks to the U.S. refugee program, Abraham now lives in Vermont. Yet, almost 90,000 refugees remain in Kakuma Refugee Camp.

We have also consulted with several host government officials in Africa, who responded by noting that if they keep refugees in camps, the international community pays attention to them and provides them with assistance. If refugees were not in camps, they believe donor nations would not help manage the situation.

So what can be done to end warehousing? It is clear that the answers are both complex and simple. The complex answer is that the UNHCR, the donor community and host governments must adopt new policies and devise new practices that prioritize refugee rights.

We believe it would be enormously helpful if the Senate passed a resolution calling for the end of refugee warehousing.

This would be a powerful signal to the world that it is time to honor refugee rights.

Congress could also authorize a pilot program that would, one, develop a plan for the strategic use of funding to motivate the granting of convention rights to refugees, such as reimbursement schemes for expenses incurred by host governments; and, two, develop alternative models of assisting refugees outside traditional camp settings in a manner compatible with the exercise of their rights. Congress could also request a report from the Department of State on how refugee assistance is or could be used to promote these rights.

The simple answer in response to Abraham and all the other millions of warehoused refugees is that we do believe that God does intend for refugees to live like human beings. The simple answer is that we must start honoring their rights and stop the immoral and illegal practice of warehousing refugees.

Thank you, I am prepared to answer any questions you may have.

[The prepared statement of Ms. Limon appears as a submission for the record.]

Chairman CHAMBLISS. Thank you very much, Ms. Limon.

Mr. Kuck, let me start with you. In your testimony, you noted how the world has changed from communist versus anti-communist and become one of religious and ethnic conflict.

In your opinion, has U.S. refugee policy adapted accordingly? And if not, what are your thoughts on the direction the U.S. refugee admissions program should take to respond to the current geopolitical climate?

Mr. KUCK. Senator, I think the U.S. refugee policy has begun to recognize the difference. I think it took a little bit longer than it probably should have to recognize the massive changes in this policy.

Where should we go now is an interesting question. If we are going to send a message to our enemies in much the same way that we sent a message to our enemies during the Cold War, we first identify who those are and then we figure out a way to use the refugee program in that regard. I will give the Senators an example.

If there are a number of refugees in countries that are being attacked because of their religious faith or because they are a particular part of the religious faith, how can we use our refugee program to bring them here to let them know that we recognize the importance of their religious faith, we recognize the importance of their standing up for their religious faith, and then use that program to communicate to the rest of the world that unless something else is done to help these people in their home countries, great and massive disruptions will occur?

Right now in Darfour, there is a great refugee problem. That refugee problem is not one of communism or anti-communism.

It is a problem of really internecine feuding between members of the same faith. To date, the international community has done nothing.

The U.S. has taken a bold stand in calling this activity genocide, when Secretary Powell told the UN that was the case just last week. To date, however, we have not yet moved to help those people, we have not yet moved to fund the resettlement of those people, and we have not yet sent a message to those people through our own refugee program about what we are going to do to help them. They remain, as a result, without hope, without faith, with a great belief that the world has abandoned them.

That breeds, we hope not to our detriment, people without hope, people that are more willing to listen to our enemy's message about who we are. I think we can use the refugee program in that regard to destroy that message that they are trying to send to them.

Chairman CHAMBLISS. Mr. Franken, I would say that the percentage of the American public that has any concept of this program is extremely small. So for the record just from a practical standpoint, tell me what happens with your organization and how you deal with the State Department relative to this issue. And, more significantly, what happens when you sort of gets your hands on a refugee?

What is the process that you go through?

Mr. FRANKEN. One of the hidden treasures, if you will, about the resettlement program is that it truly engages members of the community who would not otherwise even be thinking internationally, globally, refugees or otherwise. Here, they are confronted with new arrivals to their community. They bring new cultures, new languages, new gifts. Our experience has been that the American public that engages individual refugees are very open and hospitable toward them, very welcoming as a result of that experience.

Our role is to, in partnership with the State Department and Health and Human Services, as refugees are identified and approved for admission, locate appropriate sponsorship for them in communities around the country. There are about nine NGO organizations involved in this and they use their local community-based constituency to prepare for that welcome and to provide services.

Our formal role lasts several months after their arrival into a community. We provide orientation, we provide assistance in obtaining jobs, a language program, getting the children connected to schools, and so forth. Then the Office of Refugee Resettlement in Health and Human Services has additional resources available. Sometimes, they contract with our same organizations in the community to provide a bit longer-term assimilation and enculturation-type services.

Senator KENNEDY. Could I just ask a quick question?

Chairman CHAMBLISS. Sure.

Senator KENNEDY. Most of those are religious-based organizations, aren't they? There are a number that aren't, but an awful lot of them are, aren't they?

Mr. FRANKEN. I would say five or six are faith-based organizations, Senator.

Senator KENNEDY. Yes.

Chairman CHAMBLISS. You just mentioned something that raised another thought in me. In our numbers, in our 50,000 number, if you have an individual who has a family of, let's say, five total,

does that five count against that number or is it just the one head of the family?

Mr. FRANKEN. No. It counts as five.

Chairman CHAMBLISS. Okay.

Ms. Limon, can you elaborate a little more on the policies that you are envisioning developing, as you say, to prioritize refugee rights and develop alternative models of assisting refugees outside the traditional setting? And what role would you see the United States taking in this?

Ms. LIMON. Well, the United States is the leader, obviously, internationally in the way that refugees are assisted, and provides the bulk of the financing, I believe, to do so to the UNHCR, in cooperation with other countries.

I think that we can look at a lot of different possibilities. I have staff around the world talking to local government folks, to local NGOs, to academics, to the refugees themselves, to the ministries of interior, talking to people saying what would it take for you to allow refugees to move into the mainstream of your country? What would it take for you to allow them to work, to be able to travel within the country, to exercise their rights in the Convention?

We are actually getting—we are very preliminary, we are very early on this, but a very interesting read that this is not beyond the realm of possibility for people. They do see financial problems because they say will the children go to school? Who will pay for that? What about if they don't have jobs, who is going to take care of them?

But we think as we look at this, if all the people involved in resettling refugees saw the forcible encampment of refugees as the last alternative and not the first alternative, there are many innovative things to do that would allow refugees to support themselves, to support their families, to have a life before and while they are waiting for a political solution that would allow them to go home.

Chairman CHAMBLISS. From the comments of all three of you, I assume that you would all three support an increase in the cap that now exists on refugees. That obviously, as I told Mr. Aguirre, puts additional burden on the Department of Homeland Security. But what about the NGOs? Are you and your brother and sister organizations capable of handling an additional cap of any significant number?

Mr. FRANKEN. The overwhelming response of our communities is that it is an underutilized resource out there and we have the capacity to assist in the resettlement of considerably more refugees than is being anticipated.

Ms. LIMON. I think also that cap, Mr. Chairman, is a real hardship on the individuals involved. They wait so long in that 12-year line and it keeps them from planning for their future. It is very important for them to be able to look forward to the day that they can become a citizen and really participate fully in the society.

Chairman CHAMBLISS. Just so you will know, Senator Kennedy and I have talked about this, particularly after our meeting with Secretary Powell recently, that the United States appears to be doing more than its fair share. As Secretary Dewey said, we had

about 54 percent of the refugees settle in the United States in the last fiscal year.

We need to somehow encourage other countries to do a little bit better job and do their part to a greater extent. Not that we don't need to do more, but we are going to try to work with each other to figure out a way to see if we can't make that happen. Any input that you all could give us in that respect would obviously be very much appreciated.

Senator Kennedy.

Senator KENNEDY. Thank you very much. Before we leave this last point, I welcome the chance of working with the Chairman in helping get other countries to do their part. I think we are always in a stronger position when we are doing ours, and I think you have given us excellent testimony.

We have both the ceiling and then we have the limitation for the cap, and I gather from Mr. Franken that in terms of the ceiling on refugees you believe that your organizations are institutionally capable of dealing with increased numbers. We have been up to 90,000. We have made very important progress this year. We have got the limitations in terms of what the requests are in terms of funding, but we could certainly go up. That is what I am hearing from you.

Let me get, if I could, to Mr. Kuck. On this statutory limitation on asylum, on the adjustment status for clients who win their asylum claims, what kind of hardship does that bring?

Mr. KUCK. It is interesting you should bring that up. I had an individual just come in the other day that told an interesting story. A husband and wife both were granted asylum. Actually, they both came as refugees to the United States and they both applied for adjustment of status, but the wife applied about a year before the husband, for various financial reasons.

Well, the wife got adjusted very quickly and she is now a U.S. citizen. They came with three children, as well. Well, the husband has not been able to adjust because he got caught in the backlog that currently exists. One of their children is going to be turning 18 in about 6 months. Unless the husband can get his case actually approved for this cap, or in other words get done quickly for his adjustment application and get an expedited naturalization, that oldest child will not be able to become a U.S. citizen through his parents' naturalization.

One of the other problems we see—just last week, I won an asylum case in the immigration court in Atlanta, and the interesting thing about that is as of right now, once a year passes from today and that person is eligible to apply for adjustment of status, it will not be 12 or 14; it will be 18 years before they are able to become a permanent resident of the United States.

They won't be able to vote until sometime after that. They won't be able to participate in the community. They are subject to repatriation at any time during that time. It is a very disconcerting position to be in. The cap has real consequences on people's lives.

Senator KENNEDY. Well, I appreciate what you say and we will try and see what we can do on that. We hear, well, the security issues and all the rest. We all agree we have to go through whatever and they have to be found qualified in terms of the asylum,

but to leave them off in this limbo doesn't seem to me to make a lot of sense.

Let me ask you, Mr. Franken, about the drop in the numbers coming from Africa this last year. We are going to see a drop in terms of this next year. Are you familiar with that?

According to the proposed admissions, it anticipates exceeding the 25,000 refugee ceiling for Africa. We will admit 28,000. The current ceiling for African admissions is only 20,000 for 2005, so therefore there is a drop in that. I am just wondering if you have a reaction to that.

Mr. FRANKEN. A couple of things. First of all, I think that right after the terrorist attacks of 2001, many of the places that African were traditionally processed from posed security risk as far as the U.S. Government was concerned. So there was an attempt to create conditions that were more hospitable to the processing necessary. As far as I know, those extraordinary steps have been successful and there are more places available in Africa to process refugees. Certainly, the need for resettlement in Africa is greater than the numbers in the proposal.

The other thing, I think, that plays into this question is if a proposal from the administration calls for 70,000 authority but 50,000 are allocated to certain regions, there is a tendency, I believe, to use that 50,000 as the target, the operational kind of management target.

We saw that this year, and I would hope that we could look at the 70,000, at a minimum, to be the target, and in so doing I think it would benefit refugees in Africa and others.

Senator KENNEDY. Ms. Limon, let me just ask you about the warehousing. One of the programs that we had heard about—and we remember the Secretary of the State Department talked about their program working through certain countries and trying to get some help and assistance to go through those countries, with the idea that it is earmarked for these refugees. I guess it is a very modest program that has started, but it is along the lines that you have said. I would be interested in whether you know about it and what your reaction to it is, number one.

Then, secondly, you mentioned that in talking to some of these host countries about getting some of these people out there involved and being able to become more involved in the community. There are some countries that just won't let these refugees out for political reasons. They want that sort of eye-sore out there in terms of the world community. So we are going to have a tough time with that one.

I think you mentioned the warehousing. I don't know how people live under those circumstances and how they can survive. What are the possibilities of working through the countries and having the money targeted toward getting people more involved in terms of the country's life? What are the limitations? And should the Europeans be doing a good deal more or these other countries be doing more?

Ms. LIMON. We are not naive about the possibility.

Senator KENNEDY. Yes, all right.

Ms. LIMON. It is not like all of a sudden people are going to say, oh, gee, we didn't think about it; let's let these people go. But there

are possibilities and I think the program you mentioned is a small step forward.

Also, we have looked at the Millennium Challenge Account and the different criteria within that effort to decide that some countries should have more development money, have special money out of this Millennium Challenge Account. And we have looked at, well, maybe it is possible that we could say the restoration of refugee rights should be one of those criteria and what would a country need to do that. So we have been in conversations with some of those officials.

We have also looked at the nexus between development monies and refugee assistance monies, and there really isn't any nexus. It is sort of this is one channel and here is another channel.

Senator KENNEDY. Is that the World Bank, or what is that?

Ms. LIMON. The World Bank. We have had conversations with the World Bank about this and we are approaching USAID and other folks to say is there some way that this can happen. But I will tell you it is a longstanding, very entrenched separation between assistance and development. But from a host country point of view, they are much more interested in the development money—it has to do with development of their country—than assistance to refugee monies. But somehow if those two can be linked in some way that is a win-win for everyone, I think we could make a lot of progress.

Senator KENNEDY. Well, I think that is very constructive. It seems to me that for some of these countries that aren't willing to take the refugees, we ought to have a sense of expectation that they pony up in some of these other areas.

Ms. LIMON. That is right.

Senator KENNEDY. I think we ought to see what we can do on that. I think Senator Chambliss has mentioned that we are interested in trying to work, obviously, with the administration, but we would like to work with the groups, as well, and with the private sector. If you have ideas or suggestions, maybe we can make some difference in some of these areas.

I want to thank you, Mr. Chairman. It was a very interesting panel; both panels were very, very helpful. Thank you for all your good works. Thanks for your commitment in these areas, as well. It is very impressive, and there is an enormous need.

Chairman CHAMBLISS. Thank you, Senator Kennedy.

We were just talking a little bit earlier. We feel like we have been in here all day. Senator Kennedy and I were in here all morning on another hearing dealing with the DNA bill, and so often we get in contentious hearings in this room and the air gets pretty thick. But to have a hearing like this, it is very refreshing to us, and particularly to know that there are folks like you all who are out there working to make a real difference in the world, and particularly a difference for citizens of our country.

America is truly the greatest and freest country in the world, in large part because we do have an open hand and extend a friendly hand to people around the world. But it is folks like you that really make that happen, and so this is one of those times when we enjoy having a hearing and enjoy hearing the stories and the message that you bring to us today.

So, again, thank you for the good work you do and thank you for being here today.

Senator KENNEDY. Mr. Chairman, could I ask that a statement from Senator Leahy be included in the record?

Chairman CHAMBLISS. Certainly.

Senator KENNEDY. Thank you.

Chairman CHAMBLISS. The record will remain open for 3 days for any other statements to be submitted.

Thank you very much.

[Whereupon, at 3:47 p.m., the Subcommittee was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

Testimony Submitted by
Alan Adler
Executive Director
Friends of Falun Gong USA
PMB #124
24 West Railroad Ave.
Tenafly, NJ 07670

September 20, 2004

I am Alan Adler, Executive Director of Friends of Falun Gong USA. Friends of Falun Gong USA (FoFG USA) is a U.S.-based, nonprofit human rights organization founded in the year 2000 by American citizens concerned about the persecution of Falun Gong. Our mission is to support the freedom of belief of persons who practice Falun Gong. FoFG's efforts include raising awareness of the persecution through the media, holding large-scale rallies in major US cities, enacting lawsuits against the architects of the persecution, and several targeted projects counteracting the Chinese government's massive propaganda campaign.

We have worked closely with Falun Gong Practitioner Associations worldwide. They have become our source of information and have connected us with practitioners in third party countries as well as become the hosts for those refugees who have been resettled. We have worked closely with other NGO's, human rights organizations and members of Congress.

Today's testimony allows me to bring up the related issues: the brutal persecution of Falun Gong in China that has impacted tens of millions of Chinese citizens, the torture and killing that has caused a large number of people to flee their homes inside China (victims of horrible genocide), the success and the difficulties we have in helping those practitioners who flee the persecution. I appreciate the opportunity to submit this testimony on behalf of the members of FoFG.

1. What Is Falun Gong

Falun Gong is a traditional Chinese spiritual discipline that includes exercise and meditation. Its principles are based on Truth, Compassion, and Tolerance. Persons who practice regularly find it to bring them better health, reduced stress and inner peace. They are the good citizens of China who live their lives in accordance with the high moral principles mentioned above. The practice began in China in 1992 and quickly spread by word of mouth throughout China and then beyond. Falun Gong is practiced by over 100 million people in 40 countries.

2. The Persecution of Falun Gong in China

On July 20, 1999, it suddenly became illegal for 100 million people to practice their spiritual beliefs. On that day, Chinese Communist Party leader Jiang Zemin banned the spiritual practice of Falun Gong. Since Jiang Zemin announced Falun Gong to be the "No. 1 enemy" of the Communist party, the drive to eradicate the practice has become a focal point of Chinese foreign and domestic policy.

A massive campaign of misinformation, intimidation, and brutality spread across China. In the weeks, months, and years that followed July 1999, hundreds of thousands of people who practice Falun Gong have been rounded up and imprisoned in psychiatric hospitals, forced-labor camps, brainwashing centers, and prisons. As of September 2004, more than five years later, nearly 1050 deaths from torture have been verified by outside sources, but experts place the actual number in the thousands. The severe human rights abuses in the persecution of Falun Gong have been verified by Amnesty International, Human Rights Watch, the U.S. Department of State and other organizations. Amnesty International awarded Jiang the title "human rights scoundrel of the year" in 2000. In its annual "Religious Freedom Report" published on September 15, 2004, State Department of the United States "again designated China as a 'Country of Particular Concern' under the International Religious Freedom Act for particularly severe violations of religious freedom."

3. Victims of the Persecution

The number of practitioners that have been subjected to detention, imprison, psychological and physical torture, are in the hundreds of thousands if not in the millions.

FoFG has made a great effort, together with other human rights organizations and Falun Gong practitioner associations, to rescue practitioners. For those who have relatives in the U.S., we tried to assemble international pressure to sway the Chinese authorities to release them to another country. Mr. Gang Chen is one of the torture victims in Beijing who has relatives living in the U.S. He is fortunate to be one of the few practitioners we were able to rescue from China. His family testified before the House International Relations Committee. His stories of torture are representative of what is happening in China. Below is an excerpt from Mr. Chen's testimony on his experiences inside Beijing's labor camps:

"I was born and lived in Beijing where I had a good life. I graduated from college and worked for a few foreign companies. As of June 2000, I was the logistics manager at Carlsberg Brewery's Beijing branch. I got married and had a nice family. Both my parents are prominent musicians who had life-long careers at the Central Philharmonic Orchestra, the most prestigious orchestra in China. My older sister is an American citizen living in New Jersey. My entire family practices Falun Gong, which has brought us joy and health, and answered all the questions I had in life. I tried to cultivate Truthfulness, Compassion, and Forbearance in myself—the highest principles of Falun Gong—and continually purify my thoughts. I felt uplifted, happy and energetic.

"All this abruptly changed in July 1999, when Jiang Zemin's regime suddenly started to repress Falun Gong. I experienced the horrific persecution first hand for four years. I was constantly put under house arrest, our phone was tapped, our home was ransacked and searched twice, and I was subjected to numerous brainwashing sessions.

"In November 1999, I was kept in the Chaoyang Detention Center for 30 days just for exercising my right of making peaceful appeals, which is granted by the Chinese constitution.

"On June 18th, 2000, 17-18 people suddenly showed up at my door at 1 AM in the morning, dragged my mom and I from our beds, sent the two of us to a detention center, and ransacked our home. We were never given the reason for our arrest. Our only 'crime' was that we continued to practice Falun Gong. I was again detained for 30 days, and eventually sent to the notorious Tuanhe Labor Camp, where I spent the most difficult 18 months of my life. All of this was done in absence of legal procedures, and I was put through numerous kinds of torture throughout the process. It's painful for me even just to recall those darkest days.

"The police in the Chinese labor camps have to meet their quota for converting Falun Gong practitioners set forth by the '610' office—a Gestapo-like agency created by Jiang Zemin with national oversight for the sole purpose of 'eradicating' Falun Gong. They resorted to the most inhuman and violent means to crush Falun Gong practitioners physically and mentally. They only allowed me to sleep for 2 to 4 hours a day. One time they did not allow me to sleep for 15 days straight. To force me to give in against my will, the guards shocked me with several high-voltage electric batons simultaneously. It felt as if my entire body was on fire and as if I was being continuously bitten by hundreds of snakes.

"Another time, the guards ordered over 10 inmates to beat me so badly that my face was deformed. Then they tied up my feet and my legs firmly, tied my arms to my back, and tied my neck to my legs so tightly that I was almost suffocated. After that they squeezed me in under a low bed, and sat on that bed to press it down on my back. At that point I felt that my back was about to fracture. Another Falun

Gong practitioner who was tortured in the same way became paralyzed afterwards. My physical injury was so bad from that torture that I could not walk for the following 2 weeks.

"During the 18 months in Tuanhe labor camp, I witnessed at least 6 Falun Gong practitioners, including one of my best friends, lost their sanity as a result of the severe torture and extreme pressure. It is so sad."

4. Victims Who Fled the Persecution

Many practitioners, often after being subjected to imprisonment and torture, flee their homes to escape from falling into the torturers hands. The exact number is not available anywhere, but it can be in the range of tens to hundreds of thousands. Many are in hiding; some moved to other regions of the country, some became homeless fugitives. They have to be constantly on alert and their lives depend on if they can stay one step ahead of the authorities that are after them. If it were not for the tightly controlled Chinese border and the tightly controlled Chinese passport issuing, we would have seen a staggering number of Falun Gong refugees out of China.

For those Falun Gong practitioners who fled their homes in China, they are not by definition "refugees," but they are under the constant danger of being caught, tortured or even killed. The international community needs to be aware of this situation, and be creative in order to help them.

In the past, we found that our means to help them are very limited. For those who have relatives in the U.S., or those whose cases have become widely known, we tried to assemble international pressure to sway the Chinese authorities to release them to another country. But, for the majority of those people, many of whom we don't even know their names and/or whereabouts, it has proven to be quite frustrating. The following story about a journey for survival, illustrates the horrible experiences of these victims of torture.

In June 2001, Mr. Tan Yongjie, a 27-year-old factory worker and Falun Gong practitioner, traveled thousands of miles from China in the cargo hold of a ship, overcoming severe burn injuries to his legs and tremendous odds to escape persecution in China. He was lucky to arrive to the U.S. where he now lives safely.

Mr. Tan had been held at the Buluo County labor camp in the Guangzhou province since April 2001, where he routinely endured beatings and other forms of torture because he refused to sign documents renouncing his practice. He recalls that one time the guards strung him up from a jail cell window with a pair of handcuffs for more than five hours with his feet barely touching the ground. When he was thrown back into his small cell, both his wrists were covered with blood.

On June 2, three guards once again tortured Tan and tried to force him to sign a "repentance statement" renouncing Falun Gong. When he silently refused, the guards tied him to a post, heated an iron rod in a furnace until it glowed red, and began applying it to his legs. The pain was so excruciating that Tan lost control of his bowel and bladder functions. The guards pressed the rod on his legs 13 times, spacing them out at regular intervals on his flesh, asking him all the while if he would renounce his belief in Falun Gong. He never did. Doctors in Houston, Texas later revealed that the burns were so deep that they reached the muscle tissue.

When the guards finally stopped the torture, they brought Tan outside and ordered him to watch the orchard. Thinking that his legs were too badly injured for him to run away, they left him unsupervised. Tan relates that even he himself did not know where he found the courage to attempt an escape, but on the second night of his watch on June 3, he slowly began hobbling on his badly burned legs, using a wooden stick as a crutch. He hid himself in the brush during the day, eating a few broken pieces of sugarcane left by field mice, and continued walking at night. On June 5, he finally managed to board a tractor leaving the labor camp -- or "hell hole" as he described it -- behind.

Tan then managed to escape to Hong Kong on a train carrying pig carcasses. Badly injured as he was, he knew that he could not stay in Hong Kong for long or he would be captured and sent back. So, on June 10, he put some bread and water in a plastic bag and secretly boarded a cargo ship. For two weeks, he battled the constant pain of his festering burn wounds as well as the nausea of seasickness from the rolling and jolting of the ship.

Despite his careful rationing, his food and water ran out during the last few days. On June 24, 2001, the ship docked in Long Beach, California. Even getting off the ship was a struggle, and he almost fainted from the sudden sunlight. Later, an elderly man driving a van on his way to Florida offered him a ride. Tan got off in Houston, Texas, penniless and with nowhere to go, until local police found him and sent him to the Star of Hope Shelter.

On July 13, Tan's untreated wounds split open and he was admitted to the Park Plaza Hospital where he underwent extensive skin graft therapy. Doctors said it was a miracle that he was even alive. Hearing of the torture that Tan endured in the Chinese labor camp, the medical doctor said the pain of recovering from third-degree burns, excruciating as it is, "is nothing compared to what he's been through... It's mind boggling how some human beings can be so cruel to other human beings."

5. People who Fled to Third Party Countries

There are a small number of those people who fled the persecution and managed to get to third party countries. FoFG has tried to help them, also.

In late 2003 and early 2004, FoFG worked closely with UNHCR Thailand in obtaining the resettlement of Mr. Wenbo Zou, a Chinese practitioner who was eventually resettled to Canada. He had been sent to "conversion classes" and tortured on two separate occasions while in China. During his first incarceration he was unwilling to voluntarily renounce the practice so he was sent to intensive brainwashing sessions. The conditions for a release from this "conversion class" were to sign a statement renouncing the practice and a promise that he would no longer practice. Under duress and in a very unstable condition he was coerced into signing the document knowing full well it was false and that he would not give up the practice. He was incarcerated, once again, when he was discovered with a Falun Dafa book, *Zhuan Falun* in his possession. He escaped to Thailand after the second "conversion class." Once in Thailand he felt responsible to inform the Chinese tourists of the truth about Falun Gong. Because of the information blockade imposed by some in the Chinese government the citizens of China receive only the propaganda concerning Falun Gong, disseminated by State owned media. This upset the Chinese government which in turn pressured the Thai government to incarcerate him prior to the October 2003 APEC meeting in Bangkok. After five months of detention in Thailand and with financial sponsorship provided by several Canadian Falun Gong practitioners, Mr. Zou was accepted by the Canadian government as a conventional refugee. He was able to resettle in Canada in March 2004.

In our effort to help Falun Gong refugees, we have identified several difficulties they encounter after fleeing China.

Hosting countries have been reluctant to assist these Falun Gong practitioners, due to pressure from the Chinese government. For example, it appears that those Falun Gong refugees that have applied for refugee status in Russia have been denied. I hope to visit the area shortly and meet with UNHCR staff to get more information on this specifically.

The main issue is the lengthy processing time at UNHCR in providing refugee status to Falun Gong practitioner refugees and the problems incumbent with the long delays.

After Falun Gong refugees submit their applications, many of them are given an interview date. Then, there is a repeated last minute rescheduling of the interview at UNHCR. Several practitioners have had to wait for a year before they were finally interviewed. This is a very painful and unnerving process for the practitioner refugees. There is a long wait for a decision, sometimes lasting years. Without being granted official refugee status they cannot work and are provided no refugee stipend. Without work or the stipend they have no money for food, clothing etc. Some refugees arrive with their wife and children and find that once they have escaped the horrible persecution in China they are in store for a different but still very difficult time.

The few lucky ones that receive official refugee status get only a meager stipend. They can't work because they cannot obtain work visas. UNHCR will theoretically, eventually, help them resettle to another country. Again, this has proven to take a very long time. There are not many practitioners able to escape from China and so there is no community to seek solace and comfort with in third party countries unlike some other large refugee populations. Most of those countries are China's neighbors and are therefore heavily influenced by the Chinese government, who are using both political and financial means to put pressure on them. The Chinese are not subtle in their threats to these neighboring countries. Falun Gong, due to Jiang Zemin's vendetta, is the number one target for destruction inside China and any perceived aid to practitioners from other countries is frowned upon. It seems that the Chinese government officials do not feel that the rule of law applies to them, especially in third party country neighbors, and, especially, as it pertains to Falun Gong practitioners. The practitioners are alone. They are still harassed and feel threatened in their daily lives. When harassed or as all too frequently is the case, arrested, they have to pay heavy fines to be released from jail. In their situation, in many cases this is almost unbearable. There have been cases where refugees have become so demoralized that they return to China where they face the prospect of almost certain arrest, detention and torture.

For example, Yongcheng Wang, a Falun Gong practitioner who was tortured during arbitrary detention, fled China for Thailand. He was interviewed by an UNHCR officer on October 17, 2001. He had little money and slept in the slums. Soon he was sick and could not afford to see a doctor. After repeated attempts to get a definitive answer from the UN on his status, he went back to China in late March 2002. On April 23, 2002, armed police kidnapped him at midnight and detained him at the detention center of Harbin City Ship Transportation Bureau in China, where he was tortured to death while in police custody.

It seems that there is no mechanism in place to provide Falun Gong refugees a speedy reunification with family, friends or other practitioners in other parts of the world (free democratic countries living by the rule of law); even though prospective hosting countries have offered to help.

The United States was founded on the principle of freedom of belief. The ancestors of the United States fled religious persecution in Europe in pursuit of religious freedom. Until today, we continue to praise the legacy of freedom in the United States.

We respectfully request our Government to offer assistance to those Falun Gong practitioners who are suffering in third party countries as the result of the religious persecution in China. The US government should recognize the special nature of these refugees and the brutal and far reaching hand of the Chinese government. They should encourage the UNHCR to expedite the protection and quick resettlement of Falun Gong practitioners to UN sponsor countries.

I urge members of this Subcommittee to look into the bigger problem in China associated with the persecution of Falun Gong, and if in it's power, come up with means and ways to help the victims.

Thank you.



U.S. Citizenship and Immigration Services

STATEMENT

OF

**EDUARDO AGUIRRE, JR.
DIRECTOR**

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES
U.S. DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

“OVERSIGHT OF U.S. REFUGEE PROGRAM”

BEFORE THE

**SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY
AND CITIZENSHIP
SENATE COMMITTEE ON THE JUDICIARY**

September 21, 2004

2:30 PM

224 Dirksen Senate Office Building

Mr. Chairman and Members of the Subcommittee:

I am honored to have this opportunity to discuss the President's proposal for refugee admissions in Fiscal Year 2005 and the role of U.S. Citizenship and Immigration Services (USCIS) in the United States Refugee Program. As you have heard me say previously, refugee issues hold a special place in my heart. I know what it is like to be a refugee because I was one.

Forty-two years ago, I came to this land of freedom and opportunity as a 15 year-old unaccompanied minor from Cuba. I arrived with no family, no money, and no working knowledge of the English language. I was welcomed and cared for by charitable organizations that provided support and guidance to me as I began my new life in the United States. I would like to offer my personal thanks to those organizations that continue to provide a warm welcome to refugees arriving today.

I followed in the footsteps of millions of others who have come to America from other countries in search of freedom, in search of opportunity, in search of a better life. I found all three, for which I am grateful beyond words. Having realized my version of the American dream, it is poignantly gratifying for me to lead an organization that plays a critical role in offering a new home and a brighter future to individuals who have fled persecution.

Some may find it remarkable that, as an immigrant, I would be in charge of the United States immigration services. Instead of remarkable, I think it simply underscores the fact that naturalized citizens in the United States are not second-class citizens. Native born or naturalized, as Americans we shoulder the same rights and responsibilities.

I share Assistant Secretary Dewey's pleasure in being able to report good news to you today. After two years of low numbers of refugee arrivals, admissions in FY 2004 will exceed the allocated level of 50,000. This year's admission of the allocated levels and some of the reserve reflects the hard work, adaptability and commitment of governmental, nongovernmental, and international organizations, all partners in the refugee program.

This past year, USCIS deployed nearly 140 temporary duty officers on 60-day assignments overseas to supplement our refugee adjudicators permanently stationed abroad. Our officers conducted refugee status interviews of over 70,000 individuals in nearly 50 locations for applicants from at least 60 nations.

Two new programs that have been noteworthy in this year are those focusing on the resettlement of Meskhetian Turks in Russia and Lao Hmong in Thailand. Our officers interviewing the first Meskhetian Turks in Krasnodar, Russia have reported the very compelling refugee claims presented by members of this group. We are also pleased that we were able to contribute to the very expeditious processing of approximately 15,000 Hmong refugees.

Among other indicators of a successful year, FY 2004 admissions reflect the program's increased responsiveness to vulnerable refugees in need of resettlement. While, ten years ago, fewer than 6,000 African refugees were admitted to the United States, this year more than 28,000 African refugees will be admitted. Our officers conducted eligibility interviews in 18 different African countries, often processing in remote locations.

It is indeed a positive development that the refugee program has become more diverse with small at-risk populations processed in more locations. This shift in focus, however, presents new challenges, perhaps the most difficult being the need to balance national security concerns with humanitarian objectives. Although the use of temporary duty officers has allowed USCIS to meet its refugee processing responsibilities to date, the complexity of refugee adjudications in the wake of September 11 calls for officers with sustained overseas processing experience who have developed regional expertise.

I therefore am pleased to announce that we have begun the work necessary for the hiring and deployment of a dedicated corps of refugee officers in FY 2005. This new cadre of specially trained officers, funded through the examinations fee account, will improve the quality of refugee adjudications, enhance our ability to combat fraud and screen for national security risks, and fulfill the humanitarian objectives of the refugee program.

The mission of USCIS is to restore public confidence in the integrity of America's immigration services. That is, to provide the right benefit, to the right person, in the right

amount of time while preventing the wrong applicant from accessing our benefits. The high priority that USCIS places upon maintaining the integrity of our programs reaches throughout the organization. We have recently created an Office of Fraud Detection and National Security within USCIS to coordinate activities addressing benefits fraud. We also will continue to work closely with Immigration and Customs Enforcement in cases in which investigations are appropriate.

Our efforts to verify the claimed family relationships of all refugee applicants whose access to an interview is based on an Affidavit of Relationship filed by an anchor relative in the United States (commonly known as Priority 3 or P-3) are continuing and have resulted in the identification of numerous cases involving identity fraud and relationship misrepresentation. By adopting a strong, unequivocal position on fraud, we have been able to ensure that U.S. protection is extended to legitimate refugee applicants while not compromising the security of our nation. Our family relationship reviews will be particularly important in the upcoming year as the number of nationalities eligible for P-3 processing is expanded from 9 to 14, with family members from Cuba, Ethiopia, Eritrea, Haiti and Rwanda added to the list of nationalities eligible to access the U.S. Refugee Program.

In closing, I would like to assure you that, along with my personal commitment to the mission of the U.S. Refugee Program, you also have the commitment of the Department of Homeland Security as well. One-and-one-half years since its creation, refugee issues are a highly visible and important priority within the Department. My hope is that one

day freedom and liberty will be enjoyed by all people, and there will no longer be individuals who are forced to flee their homelands due to war or fear of their lives for their political beliefs.

I would be pleased to respond to any questions you may have. Thank you.

**Statement by Kenneth H. Bacon, President, Refugees International
to the Senate Judiciary Committee Hearing on FY2005 Refugee Admissions
September 21, 2004**

Refugees International welcomes the solid progress in refugee admissions to the United States in fiscal year 2004. About 52,000 refugees are projected for admission by October 1 compared to about 28,000 in FY2003 and approximately 26,000 in FY2002.

We also welcome the President's goal of admitting up to 70,000 refugees in FY2005. However, with continued strong leadership from the President and the Congress, RI believes that up to 90,000 refugees can be admitted in FY2005.

Refugees International congratulates the Administration and the Congress for maintaining the traditional American support for refugee admissions, protection, and assistance around the world. But more needs to be done. Refugee admissions have fallen sharply since 2000. Despite President Bush's strong support for refugee admissions, the numbers of refugees being resettled in the U.S. is now the lowest in 30 years. The many deserving refugee populations in the world require a renewed U.S. commitment to raise resettlement numbers to previous levels in the context of the overall U.S. commitment to refugee protection and assistance. We are confident that the Congress will support the funding necessary to permit rescue and resettlement of refugees and continued U.S. humanitarian support to protect the lives of refugees and persons displaced by persecution around the world.

Specific Refugee Groups

One of the most threatened refugee groups benefiting from U.S. resettlement in FY2004 has been Hmong refugees from Laos who have been stranded at Wat Tham Krabok in central Thailand for many years. The Hmong were among the closest partners of the U.S. in the Indochina War and took heavy casualties.

In a rapid, well-coordinated effort, the U.S. has approved about 15,000 for admission, with about 5,000 to arrive in the U.S. by the close of this fiscal year. Though several significant issues remain to be resolved, Assistant Secretary of State for Population, Refugees and Migration Arthur E. Dewey and his staff, led by Deputy Assistant Secretary of State Kelly Ryan, deserve great credit for the smooth implementation of this program. We also hope that long term residents of the Wat, particularly the adult

children of Hmong admitted for resettlement who were not included in the original Thai list may have their cases considered by the U.S.

A significant number of Hmong wish to flee Laos, where some Hmong are reliably reported to be in wretched circumstances owing to continued repression by the government at certain sites and where some are denied food and health care. The U.S. and the Office of the UN High Commissioner for Refugees (UNHCR) should seek to institute an orderly departure program for Hmong with close ties to the U.S. who are endangered by such policies.

Similarly, in Vietnam, the U.S. should seek to admit Montagnard people who also suffered very heavily as some of our closest allies in the Vietnam war. Currently they face repression in Vietnam and many have been ~~are often~~ forced back when they try to flee to Cambodia owing, in part, to pressure by the government of Vietnam on Cambodia to deny even temporary asylum to the Montagnards. RI also supports ~~recommends~~ resettlement of the remaining Vietnamese in the Philippines.

In FY2005, Refugees International also urges the U.S. to consider Burmese refugees in Thailand. Many have been there for more than a decade and should be given a chance to move on with their lives. Some argue that many of these refugees would like to return eventually to Burma. The current regime in Burma, however, has actually revoked the citizenship of those who have fled the country. Thousands of Burmese children born in exile are now effectively stateless. Further, the Thai government has restricted the activities of Burmese dissidents now in Thailand and has put increasing pressure on Burmese to end their political opposition to the government in Rangoon.

While some Burmese would hope to return once conditions in their homeland make it possible for them to resume their lives in safety and dignity in their home communities, many Burmese told recent RI missions that they have no desire to live under a regime that continues to repress its citizens and denies full political rights to Aung Sung Suchi and her supporters. The U.S. should continue its proud tradition of granting resettlement and a chance to live in freedom for Burmese refugees unable to return to their homeland.

RI supports U.S. efforts to find durable solutions, including well-supported local integration and resettlement opportunities, for some of the 70,000 Bhutanese in Nepal and the 19,000 Muslim Burmese (Rohingya) refugees in Bangladesh. These populations should not be abandoned nor have assistance terminated in ill-conceived local integration schemes where refugees have little likelihood of being able to gain employment or acceptance.

In Africa, as returns to Burundi continue, RI urges the Administration to continue to support improved protection and integration assistance, while not forgetting those Burundians so traumatized or at risk that resettlement remains the only reasonable solution. RI notes the large number of Zimbabwean refugees forced to flee to South Africa and neighboring countries because of the ruthless political and economic pressures and use of imprisonment and torture against political opponents of the current Mugabe

government. A recent RI mission found large numbers barely able to survive in the absence of official recognition of their status or any international assistance. RI urges the U.S. to consider Zimbabwean refugees as a population of humanitarian concern.

In West Africa, RI notes that some Liberians and Sierra Leoneans have been forced so many times from their homeland during over a decade of war that repatriation is not feasible from their places of asylum in the region. This group would reasonably include a number of female-headed households, victims of sexual abuse or torture, unaccompanied minors, as well as some minority ethnic leaders, could still be at risk. RI urges that such groups be considered for resettlement.

In East Africa, RI recommends continued consideration of groups like the Somali Bantu and the Bandir, who have spent more than a decade in camps, as well as some of the minority Sudanese groups still in Ethiopia.

In all these cases, RI urges the US to make strong efforts to ensure that when offering resettlement to part of a group that this humanitarian action not adversely effect the ability of the remaining population to receive refuge and assistance in that country of asylum.

Funding

RI strongly supports providing funding at least at the level recommended by the Senate Appropriations Committee of \$775 million for the Migration and Refugee Assistance Account and \$50 million for the Emergency Migration and Refugee Account. The continuing crisis in Darfur with one million displaced and over 200,000 refugees now seeking aid in Chad suggests a need for an even higher level of funding, particularly given the inability of the UN World Food Program to guarantee basic food assistance to these populations, as well as others in West Africa, without substantial new donor support. RI urges the Administration to increase its efforts to seek additional food aid for refugees and for internally displaced as well as populations emerging from years of war and dislocation.



Saxby Chambliss

UNITED STATES SENATOR
GEORGIA

SR-415
WASHINGTON, D.C. 20510-1501
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For Immediate Release
September 21, 2004

CHAMBLISS GIVES REFUGEES A VOICE BEFORE SUBCOMMITTEE

WASHINGTON – U.S. Sen. Saxby Chambliss, R-Ga., Chairman of the Subcommittee on Immigration, Border Security and Citizenship, today held a hearing to discuss issues surrounding the resettlement of refugees and offering those involved with this issue an opportunity to present their concerns to the subcommittee.

Subcommittee members received testimony from two panels including **Gene Dewey**, Assistant Secretary Bureau of Population, Refugees, and Migration, Department of State; **Eduardo Aguirre**, Director U.S. Citizenship and Immigration Services, Department of Homeland Security on Panel I and **Charles H. Kuck**, Managing Partner, Immigration Group Weathersby, Howard & Kuck, LLC, Atlanta, GA; **Mark Franken**, Chair Refugee Counsel, USA, Washington, D.C.; and **Lavinia Limon**, Executive Director, United States Committee for Refugees Washington, D.C. on Panel II.

Chambliss delivered the following statement to open today's hearing.

"I'd like to thank our witnesses for being here today to talk about a very important issue, and that is the number of refugees around the world, and what the United States is doing to resettle them here, or to seek other viable solutions to their displacement. According to the United Nations High Commissioner for Refugees, there were about 9.7 million refugees worldwide at the end of 2003, down from 10.5 million at the end of 2002. The U.S. Committee for Refugee's World Refugee Survey estimates that of the world's refugee population, more than 7 million refugees have been restricted to camps for 10 years or more. While the overall decrease in the world's refugee population is promising, the numbers remain staggering.

"The United States has long been a world leader in providing permanent resettlement to refugees around the world. In fact, it is U.S. policy to admit half the refugees identified by the United Nations High Commissioner for Refugees each year. For fiscal year 2004, President Bush authorized the resettlement of 50,000 refugees plus a 20,000 to the United States, and according to the State Department, we are on track to meet the 50,000 goal before the end of the fiscal year. As many of you know, after September 11, 2001, security concerns resulted in a number of changes to our refugee program, and the U.S. admitted fewer than 30,000 refugees for fiscal years 2002 and 2003. The numbers for

this fiscal year reflect the hard work of the Administration and all of those involved, and I would like to commend them for this achievement.

“Despite all the work the U.S. has done to offer resettlement to some, the worldwide refugee population remains a vast concern. I hope today’s hearing can shed light on what the United States is doing bilaterally or multilaterally to encourage other nations to increase their efforts to resettle refugees. I was surprised to learn that the United States historically resettles half of all the refugees that get resettled in the world – leaving the rest of the world combined to resettle the other half. Of course, I realize that permanent resettlement is not the best option for every refugee, and I believe we should look at creative, new solutions to deal with refugees within the countries to which they first flee.

“Our witnesses today bring a depth of knowledge and experience on the issue of refugee policy. Secretary Dewey serves as Deputy Assistant Secretary for the Bureau of Population, Refugees, and Migration in the State Department and previously served as the United Nations Deputy High Commissioner for Refugees. Eduardo Aguirre is the Director of Citizenship and Immigration Services at the Department of Homeland Security and, as a former refugee himself, has a unique personal experience to bring to this discussion.

“I know the issue of refugees is one that Senator Kennedy is very passionate about, and I would like to commend him for his good work on this issue for a number of years, and turn to him for any comments he might like to make.”

For more information contact the Chambliss press office at 202-224-3423.

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Statement of Arthur E. Dewey
Assistant Secretary of State for Population, Refugees and Migration
SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY
AND CITIZENSHIP
SENATE COMMITTEE ON THE JUDICIARY
September 21, 2004
2:00 PM

Thank you for this opportunity to give you my assessment of the achievements and prospects for the U.S. Refugee Admissions Program. Through this program, the United States provides an extraordinary opportunity for resettlement to tens of thousands of refugees fleeing persecution. As President Bush said last June, it is important that America be a welcoming society. We lead the world in offering resettlement to those in need, and we encourage other countries to develop resettlement programs.

First, I want to thank you for your continued support, which reflects the strong humanitarian impulse in the American people that I witness whenever I travel around the country. Your support has helped us implement many new initiatives. These initiatives, which I will discuss, helped us attain our ambitious goals for the fiscal year 2004 program. After two years of adjusting to the changes brought about by 9-11, and continuing to respond to the end of Cold War, we have made a robust program. When September 30 arrives, based on anticipated developments, we project that refugee admissions will have increased nearly 80 percent over fiscal 2003, despite logistical and security challenges that kept per capita costs high—\$3,500 per refugee admitted compared to \$2,200 in FY 2001. So long as we receive adequate funding, I am confident that we have a system in place that is capable of sustaining or increasing admissions numbers in coming years.

But before I talk about the future, let me reflect for a few moments on the past. I have been in humanitarian operations for some time, serving under three Administrations and for the United Nations. Major geopolitical earth shifts during that time have profoundly affected the U.S. refugee admissions program.

From the mid-1970s until the mid-1990s at least three-quarters of refugees coming to the United States were from two principal locations -- the former Soviet Union or Southeast Asia. Processing sites were few and they were safe: The Soviet Union, the Philippines, Thailand, Hong Kong and Indonesia readily allowed us to process refugees.

Now, we process refugees—a few hundred or a few thousand at a time—in about 46 locations and representing 60 different nationalities. Some of these widely scattered places are remote; some are dangerous. Based on an assessment of terrorism threats, the impact of the war in Iraq and other factors, some traditional processing sites have been eliminated. My Bureau and Homeland Security's Bureau of U.S. Citizenship and Immigration Services have collaborated to redirect resources to locations providing adequate safety for U.S. personnel. We have spent millions of dollars on physically moving thousands of refugees and on "hardening" processing facilities around the world. Much of this effort has been in Africa. Additionally, after the tragic events of 9/11, we have implemented more stringent namecheck and other security requirements. So compared to the old days, costs are much higher and the process much more labor-intensive.

In last year's report to Congress we acknowledged the program was at a crossroads. We had two choices: limit the size and scope of our program, allowing the program to wane; or mount the most extensive and expensive rescue operation in the history of the U.S. refugee admissions program. Of course we chose the latter.

In doing so, we expanded the concept of "rescue" to include refugees who have been living in protracted unresolved situations, like the Meskhetian Turks in Russia, who had been rootless for decades, or 15,000 Lao Hmong living in a closed camp in Thailand for about a decade. We are resettling these groups. We are also identifying other populations in Southeast Asia in need of resettlement, and resettling long-suffering Somali Bantu in Kenya, and Liberians oppressed by the Taylor regime who continue to be at risk. As I said in an op-ed published earlier this month in the Washington Times,

“long-staying” refugees are not commodities; they are vibrant human beings. We are resolved not to let them languish in further in dependency and even despair. We will continue to seek out vulnerable people—especially women and children—who have waited years or even decades for rescue.

The refugee outlook is brighter now than it has been for years. The overall number of refugees in the world continues to decline -- the global refugee population has dropped by approximately 20% over the last two years, from 12.1 million at the end of 2001 to 9.7 million at the end of 2003. The predominant reason cited by the United Nations for this progress is the option to voluntarily repatriate. The dramatic changes in Sierra Leone, Afghanistan, Angola and Iraq have made it possible for refugees to return to those countries. Large-scale repatriations are or will soon be underway for hundreds of thousands of refugees in Africa. The more than 3 million who have returned to Afghanistan since the fall of the Taliban make up one of the largest repatriations in history. As Afghanistan continues to protect the rights of its citizens, particularly women, the environment becomes fertile with hope and opportunity. The U.S. government remains the major contributor – both to making repatriation solutions happen, and to making them last through employment opportunities such as the Afghan Conservation Corps. In Iraq, over the next 2-3 years, we anticipate that U.S.-Iraqi-international cooperation will lead to the return of about 1.5 million Iraqi refugees and internally displaced persons, some of whom have been in exile for decades. As freedom and liberty continue to be embraced around the world, there is good reason to expect fewer situations resulting in refugees.

When resettlement is the appropriate durable solution for refugees, the United States steps up to the plate. Despite the shrinking pool of refugees, the disqualification of many previously approved family reunification cases because of fraud, and the logistical and security challenges I mentioned, I am happy to report that as of today we have admitted over 48,000 refugees this fiscal year; we expect that number will rise to more than 52,000 by September 30. More than half are from Africa. Furthermore, we will enter FY 2005 with a healthy pipeline of approved cases in the final stages of processing.

The extraordinary effort that produced this result has had the full support of the President and is testimony to his steadfast commitment to a vibrant, diverse, and secure refugee resettlement program. The success of this year's program owes a debt as well to the outstanding cooperation among partners both inside and outside government over the past three years. The Departments of State, Homeland Security, and Health and Human Services have worked closely to overcome significant obstacles. We have worked with the Office of the UN High Commissioner for Refugees to mainstream resettlement within its overall program of activities. Refugee advocates in the NGO community—especially Refugee Council USA and InterAction—played key roles in the identification and sponsorship components of the resettlement process. Our NGO partners in the U.S. have helped streamline sponsorship processes to expedite departures this year and prepared receiving communities for the increased number of arrivals.

Let me specifically mention our efforts to promote greater identification and referral capacities within the government and by the UNHCR and NGOs. The time-consuming and often politically sensitive task of caseload identification is critical to maintaining a healthy admissions pipeline. Over the past two years, our contribution of over 14 million dollars has supported 46 full-time resettlement related positions in UNHCR and resulted in a much larger number of referrals. This year, we expect UNHCR to refer at least 21,500 individual refugee cases to the United States through this initiative.

UNHCR's improved ability to identify resettlement cases also helps further our mutual goal of increasing the number of countries involved in resettling refugees. The rest of the world combined takes less than half as many refugees as the U.S. does; this year, some 20-25,000 vice 53,000 for the United States. Canada and Australia took more than 10,000 each in calendar year 2003, but after that the numbers drop significantly. Many European nations claim that they are contending with large numbers of asylum seekers and are unable to voluntarily accept refugees from overseas as well. The U.S. receives asylum seekers, too, but that in our view in no way diminishes our commitment to

resettle refugees. We will continue to work with UNHCR and other countries to encourage the expansion of resettlement as a durable solution for refugees in need.

We also recognize that NGOs may be aware of individuals for whom U.S. resettlement would be appropriate. Accordingly, we have held two training programs on case identification and referral in Africa over the past eighteen months. We will offer this training to NGOs in Asia later this year and wherever it might be warranted in the future.

In addition to the development of individual case referral mechanisms, we initiated field visits in collaboration with UNHCR, host governments, and NGOs to explore potential groups for resettlement consideration. In the past year, we fielded the first of these Targeted Response Teams to Mozambique, Uganda, Guinea, and Ghana. We found this to be an effective approach to group caseload identification, particularly for populations that have long been in protracted situations. In part through the work of a U.S. government official detailed to UNHCR, we have been firmly committed to the complementary work UNHCR has undertaken in the area of group referrals. Through a systematic, analytical methodology under development, UNHCR can designate entire groups for resettlement consideration. This permits UNHCR to better promote the strategic use of resettlement to resolve refugee situations.

These are just some of the initiatives we have undertaken. In addition,

- We added new staff to augment both overseas processing and identification of new needy populations. The creation of the Department of Homeland Security's corps of refugee officers also will be a critical part of this effort.
- We have expanded Family Reunification: Having instituted additional fraud prevention measures in the program, we were able to increase from four to nine the number of nationalities eligible for P-3 processing in FY 2004 and propose a further expansion of the family reunification component of the program to 14 nationalities in FY 2005.

- We have commissioned a comprehensive study of refugee admissions. Professor David Martin, a renowned expert in the refugee field, has recently completed an independent study of our program. Drawing on the experience and ideas of United States government agencies, NGOs, international organizations, and refugees, his report includes a number of important recommendations that we are now reviewing. The report will be made available to the public and will inform the process of determining the shape of further reforms.

We believe we have accomplished all of the initiatives set forth in last year's report to Congress with the lone exception of developing targeted strategies to improve the protection of unaccompanied minors. This will be a focus in FY 2005. The FY-2005 Presidential proposal includes several program modifications worth noting here. They include revised definitions of processing priorities, and expansion of Priority 3 family reunification eligibility, and limited universal in-country processing authority. During FY-05, we also intend to examine possible statutory and regulatory changes that could better improve and streamline the admissions process without compromising national security. We also will explore additional measures to counter fraud and corruption, and to enhance the physical security of all refugees overseas.

The Administration's FY 2005 proposed ceiling of 70,000 refugees, with 50,000 regionally allocated at present, reflects the President's commitment to a continued sustained recovery in our program to resettle refugees in the United States. Given the level of effort and resources expended in FY 2004, and continuing security challenges, the per capita cost of resettling each refugee is likely to remain high. In order to be able to admit refugees through the 20,000 unallocated numbers included in the FY 2005 proposal, in the coming months, we will work to identify additional refugees in need of resettlement and the funding to support them while continuing to support critical humanitarian assistance requirements.

The United States refugee admissions program represents an important component of our rich tradition as an immigration country: offering refuge to the oppressed. The Administration has demonstrated that, with sufficient resolve, resources, and commitment, we can continue to demonstrate robust U.S. leadership in refugee resettlement. It has been tremendously satisfying to see our efforts of the past three years pay off in significantly increased admissions in Fiscal Year 2004. Working together with our resettlement partners, and with availability of adequate resources, we have shown that we can realize the President's commitment to grow the program – even in the challenging environment after 9-11. The US will not be deterred in our role as a beacon of freedom to those that have known only war and oppression.

Thank you. I would be happy to take your questions.

Senator Russell D. Feingold
Statement for the Record for Immigration Subcommittee of the Judiciary Committee on
“Refugees: Seeking Solutions to a Global Concern”
September 21, 2004

I am proud of this country's tradition of welcoming refugees. Since its creation, the United States has served as a safe haven for those fleeing abuse and persecution. My own state of Wisconsin has welcomed thousands of refugees, including Lao-Hmong, Somali Bantus, Afghans, Azerbaijanis, Bosnians, Burmese, Liberians, Russians, Rwandans, Sierra Leoneans, Ukrainians and more. They have fled their countries for reasons of political and religious persecution, genocide, civil war and other horrors. Yet, despite the hardships they have encountered, they have enriched and influenced the lives of so many in Wisconsin.

Wisconsin's largest refugee group is the Hmong from Laos. Over 47,000 Hmong live in Wisconsin, the third largest Hmong population in the United States. The Hmong-Lao fought alongside the CIA in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. Hmong-Lao have made tremendous strides since their arrival in the United States. According to the Wisconsin Department of Workforce Development, Hmong home ownership rates exceed 50%. They pay taxes, have opened businesses and are contributing members to Wisconsin's communities.

Recently, the US government opened a refugee program for approximately 15,000 Hmong-Lao to resettle in the United States from Wat Tham Krabok, a temple in Thailand. Some have already begun to arrive, and Wisconsin is expecting over 3,000 refugees. Wisconsites have shown their generosity to these arriving refugees through donations of furniture, household items, and monetary assistance. They have organized working groups, such as the Refugee Welcome Project in Wausau, to plan for the refugees arrival and transition to life in Wisconsin. They have shown up at the airport, holding signs and handing out carnations and balloons to newly arriving refugees. The Hmong-Lao who arrived in previous resettlement programs have been especially instrumental in assisting this new wave of refugees by opening their homes and providing translation services. I am honored to represent those who have reached out to these people in need, and I believe that this country must remain committed to our tradition of welcoming refugees.

I hope that this hearing will address the following pressing questions. What steps is the administration taking to standardize the refugee program, so that there is greater transparency and predictability for refugees, their friends and families, and the communities in which they will resettle? How will the administration provide needed resources in a more expedited fashion to communities who receive refugees unexpectedly? How will the administration identify refugee groups to resettle in FY 2005 and 2006? Will the administration take more refugee referrals outside of UNHCR, or will they continue to rely heavily on UNHCR?

It is essential that we get this program right. I hope to work further with the administration, Congress and concerned organizations on this important issue.

Testimony before the Subcommittee on Immigration, Senate
Judiciary Committee

on

Refugees: Seeking Solutions to a Global Concern

Presented by

Mark Franken

Chair, Refugee Council USA

Executive Director, Migration and Refugee Services
United States Conference of Catholic Bishops

September 21, 2004

The Refugee Council USA is a coalition of U.S. non-governmental organizations focused on refugee protection and advocacy affecting the protection and rights of refugees, asylum seekers, displaced persons, victims of trafficking and victims of torture in the United States and across the world and is the principal consultative forum for the national resettlement agencies.

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I am Mark Franken, Executive Director of Migration and Refugee Services (MRS) of the U.S. Conference of Catholic Bishops and Chair of the Refugee Council USA. Today, I am testifying on behalf of the Refugee Council USA, a coalition of 19 refugee and human rights organizations, of which MRS is a member, committed to the protection of refugees around the world, including the pursuit of durable solutions such as resettlement. I would like to thank Senator Chambliss and Senator Kennedy for holding this important hearing today.

Refugee Council USA members represent a broad cross-section of American society, with affiliation to community groups, both faith-based and civic, throughout the country. Our members and the constituencies they represent believe that the resettlement of refugees is an essential tool in the international community's efforts to protect refugees and that refugee resettlement is a critical dimension to addressing protracted refugee situations.

Refugee Council USA focuses on refugee protection, including universal adherence to international standards of refugee rights; the promotion of the right of asylum; international assistance to refugees in need; and the promotion of durable solutions, including resettlement in the United States. The Refugee Council USA serves as the forum for national resettlement and processing agencies to formulate common positions on refugee policy.

Mr. Chairman, I would like to make a few comments today on the current state of the U.S. refugee program. The subcommittee has my written testimony, which draws heavily on the interim report of the Refugee Council USA on the U.S. refugee admissions program for fiscal years 2004 and 2005. This report highlights the plight of a number of refugee populations around the world that are in perilous and often protracted situations and recommends these groups for resettlement in the United States. With your permission, Mr. Chairman, I would also like to submit a copy of this report for the record.

As we all know, the events of September 11, 2001, changed our nation and how we interact with the international community in significant and lasting ways. The U.S. refugee admissions program faced dramatic disruptions after September 11, 2001, with admission levels dropping from nearly 70,000 refugees in FY 2001 to less than 30,000 each in FY 2002 and FY 2003. This meant that almost 85,000 vulnerable refugees lost the opportunity to resettle in the United States during those two years, a time when there were an estimated 13 million refugees in the world.

During that period, Mr. Chairman, and despite the fact that refugees were already the most heavily screened categories of arrivals to the United States, considerable effort was made to enhance security procedures for screening prospective refugee entrants. Due to extraordinary efforts on the part of the State Department's Bureau of Population, Refugees, and Migration (PRM), the Department of Homeland Security (DHS), the White House, the United Nations High Commissioner for Refugees (UNHCR), and non-governmental organizations, the U.S. refugee program will likely exceed 50,000 admissions in FY 2004, representing more than a 78 percent increase from the previous year. Refugee Council USA is extremely grateful to all involved in turning this situation around and putting the program on track to expand refugee admissions to a level more appropriate to the needs of refugees worldwide.

Specifically, we commend Assistant Secretary Gene Dewey and his staff, particularly Deputy Assistant Secretary Kelly Ryan, and also Undersecretary Eduardo Aguirre and the Department of Homeland Security for their ongoing efforts to guide the program through a difficult period. We look forward to working with them to grow the program to meet the new challenges of refugee protection in the twenty-first century and to ensure that life-saving resettlement opportunities do not go unused next year.

Mr. Chairman, with more than 12 million refugees worldwide in need of protection, the United States can, and must, do better in offering vulnerable men, women, and children the opportunity for safe haven in our nation. We recognize that large numbers of refugees have voluntarily repatriated to their country, however, many more thousands remain in precarious situations with no durable solution in sight. With the Cold War behind us and a different world order before us, U.S. refugee policy should be redirected toward refugee populations most in need of protection and humanitarian assistance. The U.S. refugee program, a tool of our foreign policy, should adapt to meet these changing realities.

Mr. Chairman, my testimony today will focus on several reforms that should be adopted to better equip the United States to identify, rescue, process, and admit refugee populations in need of resettlement protection. Specifically, I will concentrate in three distinct areas—

- The need to increase the ceiling set by the President each year for the number of refugees allowed into the United States to better reflect the actual need for resettlement;
- The need to make structural improvements in the U.S. refugee program to more efficiently and effectively identify and process vulnerable refugees; and
- The need for the Administration and Congress to increase funding for the U.S. program in order to meet the challenges before us.

In addition, I would like to make a few comments regarding two ongoing refugee crises during the past year in which the U.S. response, in our view, has been inadequate—the crisis in Haiti and the ongoing suffering in the Darfur region of Sudan.

Annual Presidential Determination for Fiscal Year 2005

As you know, Mr. Chairman, each year the President is authorized by statute to determine the number of refugees, which will be allowed for admission into the United States for the next fiscal year. In the last two years, the Administration has set a level of 70,000 refugees, with only 50,000 allocated to particular regions of the world. We anticipate that the Administration will announce the annual determination for FY 2005 in the near future.

In a report to Congress in August 2001, the State Department indicated that, in light of the large population of refugees in need of resettlement, the Administration was committed to growing the refugee admissions program incrementally and achieving an annual admissions level of 90,000 refugees in FY 2005. Though the terrorist attacks of 2001 interrupted these plans, the State Department has demonstrated in FY 2004 that admission levels can be increased significantly. If the same rate of growth of admissions occurs from FY 2004 to FY

2005 as will occur this year, nearly 90,000 refugees would be admitted in FY 2005. With the worldwide population of refugees in need of durable solutions far exceeding resettlement opportunities, we believe that the United States should commit to achieving its earlier goal of 90,000 admissions in FY 2005.

Mr. Chairman, the Refugee Council USA's interim report provides a detailed list of refugee groups far exceeding the 90,000 limit that should be considered for resettlement. We ask you and members of the subcommittee to support a determination of 90,000 admissions for FY 2005.

Systemic Changes to Enhance and Expand the U.S. Admissions Program

As I mentioned, Mr. Chairman, a new world order trying to preserve and sustain refugee protection requires the United States to reach out to refugees in "hot spots" across the globe, such as Africa, Latin America, South and Southeast Asia, and portions of Europe. To serve the refugees in these areas of need, more tools are required to build the capacity of the admissions program to identify, process, and resettle refugees from various parts of the world.

Refugee Council USA has developed a series of recommendations to help build the capacity needed to meet these new challenges, which are detailed in our interim report.

Mr. Chairman, many of these recommendations have already been endorsed by Congress and enacted into law. The FY 2004 Consolidated Appropriations bill called for several reforms to the refugee admissions program, including the following:

- Using private voluntary organizations in the identification, referral, and processing of refugees for admission to the United States;
- Prioritizing female head-of-households, unaccompanied children, long-stayers, and urban refugees outside of traditional camp settlements for resettlement; and
- Making the P-3 family reunification category available to all nationalities.

Mr. Chairman, we urge you and your colleagues on the subcommittee to press the Administration to implement these recommendations immediately. Without building the capacity to identify and resettle refugees in need, we are concerned that the admission of refugees into the program will remain at the low levels of the past two years.

For purposes of today's hearing, I would like to further highlight a few of our recommendations.

Enhancing Referral Capacity

In recent years, the State Department has relied heavily on the United Nations High Commissioner for Refugees to refer vulnerable refugees to the U.S. admissions program for resettlement. As noted in the recent report titled, *UNHCR Projected Global Resettlement Needs 2005*, the UNHCR faces many constraints in providing adequate resettlement referrals

for refugees in need of protection. Additional avenues for referrals must be created so that more vulnerable populations and individuals have access to the U.S. program.

First, the State Department should look to non-governmental organizations that work with refugee populations as an avenue for referral. Non-governmental organizations, including Joint Voluntary Agencies (JVAs) and Overseas Processing Entities (OPEs), which prepare cases for review by DHS, are uniquely positioned to provide referrals because of their daily work with refugee populations.

While the State Department has operated small referral programs in Nairobi, Kenya and Accra, Ghana, to train NGO representatives in this area, it has yet to expand the program to other regions. Even as the State Department has taken steps during the last several years to expand its capacity to identify and process refugees for resettlement, not a single JVA/OPE has been developed to assist in these efforts. During this same period, there have been several locations that could have benefited from the presence of a JVA to identify refugees for resettlement.

In addition, U.S. embassies should be given greater authority to identify and refer refugees to the U.S. program. In a recent report to Congress, the State Department indicated its intent to authorize embassy referrals for individual protection cases. We urge that this authority be extended so that embassies may identify and refer groups of refugees as well.

Building Capacity to Identify and Process Refugees

Another area of concern is the ability of the U.S. government itself to identify and process refugees for the U.S. program. Our government, including the Department of Homeland Security, should make more efforts to create a “pipeline” of refugees for resettlement that is continually filled. The State Department must be more proactive in identifying refugee populations for the succeeding years, so that there is at least a three-month pipeline of “travel-ready” refugees. We recommend several additional tools to achieve this goal.

First, we recommend that the State Department and the Department of Homeland Security create “Rapid Response Teams” which would field NGO experts on a regular basis to analyze the resettlement needs of refugee populations and help establish initial processing mechanisms to identify and refer cases for U.S. admissions consideration. These teams would be deployed in areas of extreme need and would work with State Department officials on a regular basis to ensure that NGO efforts, which would supplement the work of UNHCR and PRM, are consistent with accepted standards for assessing the suitability of persons for resettlement.

In addition, we recommend the creation of a Refugee Corps within the Department of Homeland Security, which would be deployed to adjudicate refugee cases on a more consistent basis. We are pleased that the Office of Citizenship and Immigration Services, headed by Eduardo Aguirre, is taking steps to make the Refugee Corps a reality. We are concerned, however, that the Administration plans to pay for the Refugee Corps through immigration user fees. We urge Congress to provide funding for the Refugee Corps through

the annual appropriations process. We look forward to working with Mr. Aguirre and his staff on the creation of a Refugee Corps.

Finally, Mr. Chairman, Congress passed legislation in 2001 which requires the Department of Homeland Security to issue Employment Authorization Documents (EADs) to refugees upon their arrival at ports-of-entry into the United States. Currently only 35 EADs are being issued per plane. We ask you to urge DHS to implement this provision of law by issuing EADs to all refugees upon their arrival in the United States.

Expanding Access to the U.S. Refugee Program

To reach the most vulnerable of refugees, the State Department should expand access to the program for certain categories of refugees who currently do not have channels into the U.S. program. In the last several years, the State Department has limited the processing categories available for resettlement, relying primarily on the P-1 category for emergency needs. We recommend an expansion of the P-2 and P-3 categories.

The P-2 category allows for the resettlement of special groups designated to be of interest to the United States. The State Department has shown a willingness to expand the number of P-2 groups, but has not yet significantly done so. In the past year, only two new groups have been designated for processing.

We also recommend expanding the P-3 category, which prioritizes family members for resettlement, to all nationalities. While the State Department has expressed public support for this concept, it has recommended an expansion to only five additional countries for FY 2005. The absence of a "universal" P-3 has the effect of channeling more refugee claims to an overburdened UNHCR and contributes to misrepresentation in the program. Family relationships and reunification should remain a cornerstone of the U.S. refugee program.

Finally, the State Department should place a priority on responding to the needs of special populations of refugees. As a first step, the State Department should identify groups of unaccompanied refugee children for resettlement in the United States. In the past few years, only 62 unaccompanied refugee children have been resettled in the United States. In their recent report to Congress, the State Department conceded that more progress must be made in this area.

We recommend that the State Department deploy NGO specialists to conduct best interest determinations for groups of unaccompanied refugee children. We also recommend that special guidelines be developed for the processing of unaccompanied and separated children, including a processing priority designation. In addition, groups such as women at risk, long-stayers, urban refugees, and victims of torture should be given special consideration.

Budget Needs for the U.S. Refugee Program

Sufficient federal funding is essential if this life-saving work is to be accomplished.

We are deeply concerned about FY 2005 funding for refugee resettlement and protection. The President's FY 2005 budget request for refugee programs falls far short of meeting the need. The Administration's request is insufficient to resettle 50,000 refugees, let alone 70,000, while maintaining the current level of overseas assistance. With the crisis in Darfur and the continuing needs for overseas assistance throughout other regions of the world, we are very concerned that the State Department may be forced to make cuts in overseas assistance next year if funding is not increased. Mr. Chairman, overseas refugee assistance and refugee admissions are both critical aspects of international refugee protection. Neither should be funded at the expense of the other. We are working with Congress to seek increases above the President's request.

We are also urging the White House to seek sufficient funds in its FY 2006 budget proposal. In a July 28 letter to the White House, we asked President Bush to seek funding in his FY 2006 budget to expand our nation's ability to aid the millions of refugees overseas and to increase the number of refugees offered protection through resettlement in the United States. To achieve this end, we recommend at least \$982 million for the Migration and Refugee Assistance (MRA) account, at least \$50 million for the Emergency Refugee and Migration Assistance (ERMA) account, and at least \$667 million for the Department of Health and Human Services' Office of Refugee Resettlement (DHHS/ORR), and sufficient funds for other essential refugee related budget items.

Without an increase in federal funding, the Administration will not be able to continue to revive the U.S. refugee program to provide the durable solution of resettlement to more refugees. An MRA total of \$982 million would provide \$324 million for the United States to admit 90,000 refugees in FY 2006. Additionally, this overall MRA funding level would provide \$600 million to enhance our overseas assistance funding to a level that could meet more of the desperate needs. This MRA figure would also allow the other two items within MRA – aid to refugees resettling in Israel, and the administrative costs of the State Department's refugee bureau – to be funded at expected levels.

Increased funding for refugee protection is essential to avoid massive shortfalls in food, medicine and other vital supplies that continue to affect refugees across Africa and elsewhere. It would also support the work of international relief organizations – including those that fund U.S.-based charitable agencies – that are providing humanitarian assistance and protecting refugees from further harm. This funding level for overseas assistance would reverse the effects of inflation and other cuts, and would facilitate the United States' continued leadership in refugee assistance and protection.

ORR's ever-expanding mandate requires at least \$667 million for FY 2006. Of this amount, \$545 million would be available for transitional assistance to refugees, the Match Grant program, social services, ethnic community based organizations, vulnerable populations programs, and community integration projects to provide assistance for up to 100,000 refugees, as well as asylees and Cuban-Haitian entrants. A total of \$667 million for ORR would also allow \$20 million for human trafficking programs and \$30 million for programs under the Torture Victims Relief Act. Additionally, the Homeland Security Act of 2002 required ORR to take on the duty of caring for the more than 7,000 unaccompanied alien

children who come into federal custody each year. We understand that ORR's new responsibility for unaccompanied alien children will require at least \$72 million in FY 2006.

In addition to the refugee program functions in the Departments of State and HHS, sufficient funding is needed for the Department of Homeland Security to adjudicate refugee claims and ensure that appropriate security measures are undertaken in the U.S. refugee program. As I mentioned before, among the most important new initiatives that should receive direct funding is the establishment and implementation of a Refugee Corps within the Bureau of Citizenship and Immigration Services. We urge that full funding be available for the Refugee Corps. Also, the DHS Bureau of Customs and Border Protection must be provided with sufficient resources to inspect and admit refugees, as well as to fulfill statutory requirements that Employment Authorization Documents be provided to refugees upon entry, in a manner that does not restrict refugee admissions or unduly increase the per capita costs charged to the State Department's refugee budget.

Finally, sufficient USAID and other US foreign assistance funding should be requested for services to internally displaced persons, torture victims, trafficking victims, and other victims of conflict, disasters, and oppression worldwide.

The U.S. Response to Refugee Crises in Haiti and Sudan

Mr. Chairman, I would like to make some comments about two humanitarian crises in the world today that involve refugees and asylum-seekers---Haiti and the Darfur region in Sudan.

Earlier this year, Mr. Chairman, we all witnessed the political turmoil in Haiti, in which former president Jean Bertrand Aristide resigned his post and fled into exile. During this period and even now, we have been deeply troubled by U.S. policy toward Haitian asylum-seekers who have fled their nation in search of protection. Our government has pursued a policy of turning back potential bona fide asylum-seekers who have left Haiti by boat without appropriate screening and access to the U.S. asylum system.

In public remarks at the height of the crisis, President Bush declared that all Haitians seeking to leave Haiti by boat would be returned to Haiti. This policy has been pursued systematically, without any formal mechanisms established to screen and process potential asylum-seekers. Such a policy, in our view, is a violation of international law set forth in the 1951 United Nations Convention on Refugees and the 1967 Protocols, to which the United States is a signatory.

Reports from inside Haiti have indicated that those returned by the U.S. Coast Guard to Port-au-Prince have been further harassed and persecuted by political elements there. Haitians deported by the United States are imprisoned upon their return to Haiti. While the political situation has stabilized, we are deeply concerned that there are many Haitians who remain in peril and who require protection.

It is our view that the United States should reverse its policy on Haitians seeking asylum in the United States. Formal processing mechanisms should be established at a safe and

humane location within the region, or, with appropriate safeguards and within secure zones, within Haiti itself. In addition, the United States should designate Haiti for Temporary Protected Status until the political and security situation further stabilizes and democratic institutions are fully restored. And the United States must immediately stop deporting Haitians in the United States.

Mr. Chairman, the humanitarian crisis in the Darfur region of Sudan represents one of the most grave and urgent challenges facing the international community in years. Both the Congress and Secretary of State Powell have determined that "acts of genocide are being committed in Darfur by government-sponsored and supported militia." As you know, more than one million refugees have been uprooted from their homes in Darfur, including 200,000 who have fled into neighboring Chad. Some 50,000 people have lost their lives and hundreds of thousands more are at risk of starvation or illness.

Refugee Council USA commends congressional initiatives to address this ongoing emergency. We are encouraged by efforts, most recently in the Senate's markup of the FY 2005 Foreign Operations appropriations bill, to direct additional funds toward humanitarian assistance. We are pleased to know that Assistant Secretary Dewey will soon tour the region to assess the situation. We urge the Administration to increase their efforts with the government in Khartoum to end the violence and to expedite humanitarian relief assistance to the region. We also urge the Administration to provide resettlement opportunities for emergency cases of Sudanese refugees who remain in danger.

In closing, Mr. Chairman, on behalf of our members, I again applaud Congress and the Administration for the continued diligence in working to restore the United States' proud history of protecting and resettling refugees. With collaborative and collective efforts in the days, months, and years ahead, America will remain a beacon of hope and a safe haven for refugees globally who seek hope in a world of suffering and despair.

Thank you for your consideration of our views.

REFUGEE COUNCIL USA
Members endorsing this testimony

Center for Victims of Torture
Church World Service/Immigration and Refugee Program
Episcopal Migration Ministries
Hebrew Immigrant Aid Society
Hmong National Development
Human Rights First
Immigration and Refugee Services of America/
US Committee for Refugees
International Refugee Research Institute
International Catholic Migration Commission
International Rescue Committee
Jesuit Refugee Service USA
Kurdish Human Rights Watch, Inc.
Lutheran Immigration & Refugee Service
National Alliance of Vietnamese American Service Agencies
Migration & Refugee Service/United States Conference of Catholic Bishops
Southeast Asia Resource Action Center
Women's Commission for Refugee Women & Children
World Relief

Statement of

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On

The History and Future of the U.S. Refugee Program

Before the

Senate Judiciary Committee

Subcommittee on Immigration, Border Security, and Citizenship

September 21, 2004

Washington, D.C.

Mr. Chairman and distinguished Members of the Subcommittee, my name is Charles Kuck. I am honored to testify here today as an expert in the field of United States immigration law, and particularly as to how our immigration laws and treaty obligations pertain to refugees. I am a partner at the law firm of Weathersby, Howard & Kuck, LLC in Atlanta, Georgia, where I manage the immigration law practice. I am also an adjunct professor of law at the University of Georgia School of Law, one of the Asylum Law experts currently working with the U.S. Commission on International Religious Freedom, and the National Treasurer of the American Immigration Lawyers Association. The statements, opinions, and views expressed herein are my own, and do not represent the views of the University of Georgia, The American Immigration Lawyers Association or the U.S. Commission on International Religious Freedom.

As I mentioned previously, I am an Adjunct Professor Law at the University of Georgia School of Law, where I teach an advanced course on both employment-based immigration law, and a course on refugees and asylum law. As an attorney and a graduate of Brigham Young University and Arizona State School of Law, I have practiced in the area of immigration law for more than fifteen years, and have written and spoken extensively on the issues of immigration law and particularly on refugees and asylees. Over the years, I have represented thousands of businesses, immigrants, and citizens seeking to navigate the difficult maze of US immigration law, and I have personally represented more than 400 individual asylum seekers before the U.S. Citizenship and Immigration Services (USCIS) Asylum Office and Immigration Courts.

I am honored to be appearing before you this afternoon to discuss the issue of the history and future of the U.S Refugee Program. This hearing is both important and timely as it addresses an essential topic: the global concern of refugees. This hearing can help us focus on an issue of international concern for which we are, and must remain, the world's beacon. We must address this issue successfully if we are to enhance both our status as an example to the world of a country that fulfills its moral and international obligations and our national security -- because the two are intertwined.

Hopefully, today we can clarify the major issues at stake, judge where we have succeeded and failed, and question any false assumptions we may hold. For instance, we need to be clear about what we mean when we talk about "refugees," particularly in the historical context. In these times of unprecedented challenges, we need to work together within this country and with our global partners to begin to address how to create an effective refugee program that can help the world confront the existence of over 13 million refugees and propose solutions that meet our moral, ethical, political, and humanitarian obligations. Finally, we should also remember that America saw the best use of our refugee program, helping both U.S. national interests and legitimate refugees from around the world, during the Reagan and first Bush presidencies. There are valuable lessons we can learn from these years, as we begin to analyze and attempt to recapture the ideas and strategies of those years, in the changed world in which we live today.

I want to underscore three key points that are central to my views on this issue:

- **First, the United States historically has used the refugee process for reasons of both political change and heartfelt concern for the persecutions suffered by those unable to protect themselves. The same considerations exist today, if not more so.** The United States is by far the largest of the 10 “traditional” resettlement countries, in that it has historically accepted more refugees for resettlement than all other countries combined. Processing categories are reviewed every year in order to respond to changes in the world refugee situation. In addition, each year we as a country assess what type of refugee resettlement would also best serve our national interest, while at the same time reserving enough refugee slots to meet the needs of the ever changing types of refugees that come into existence. As a result, the major countries of origin of those refugees resettled in the US are subject to change. As an example, and reflecting world events of the time, the top 10 countries of origin in **FY 1993** were, in order, the former USSR (48,627), Vietnam (42,775), Laos (6,967), Iraq (4,605), Cuba (2,814), Ethiopia (2,765), Somalia (2,753), Bosnia (1,887), Haiti (1,307), and Afghanistan (1,233). By **FY 2003**, the top 10 countries of origin had shifted to the former USSR (8,744), Liberia (2,957), Iran (2,471), Sudan (2,140), Somalia (1,993), the former Yugoslavia (1,816; primarily Serbians), Ethiopia (1,704), Vietnam (1,472), Afghanistan (1,453), and Sierra Leone (1,378).

The U.S. Refugee Program has an important role to play in the post-September 11 world. A well-run refugee program is an important component in our security arsenal because it helps to ameliorate situations that are ripe for exploitation by our nation’s foes. At the same time, a well-run program also will help to fulfill our moral and international obligations, thereby enhancing our nation’s reputation in the international community.

- **Second, we need to meet our treaty obligations when revising and enacting our refugee policy, as well as our moral obligation to protect those least able to protect themselves.** While there are no international standards for the number of refugees a country must accept pursuant to treaty, we have historically viewed our role as that of a world leader. Since World War II, throughout the Cold War, and in the world since the end of the cold war, we have worked with the United Nations High Commissioner on Refugees (“UNHCR”) to resettle tens of thousands of refugees and displaced persons. By doing so we have satisfied and in many ways exceeded what some would say are our moral obligations to protect the helpless.

However, over the last three years opportunities for refugees to seek safe haven in the United States have dwindled because the number of refugees this nation annually accepted significantly and startlingly decreased. Starting in FY 2002 and continuing through FY 2004, there has been a dramatic reduction in the number of refugees this country annually accepts. Unfortunately, there is little indication that the U.S is on the path to resume its rightful place as the beacon of light and example to our allies around the world of the necessity to ameliorate the plight of refugees. We must immediately begin to resume our rightful place as a world leader in this area.

- **Third, we need to pair initiatives that over the past three years have enhanced the security of our refugee admissions program with an increase in the number of refugees we admit to this country. We must begin to make a small but noticeable dent in providing safe haven to refugees fleeing political, ethnic, social group, and religious persecution by actually admitting the allotted 70,000 refugees.** Our current immigration system, including our current system of identifying refugees eligible for resettlement to the United States is an obstacle to enhancing our security because it is dysfunctional. National security, if that is the primary goal of our immigration system, is most effectively enhanced by improving the mechanisms for identifying actual terrorists, not by implementing harsher or unattainable standards or blindly treating all foreigners as potential terrorists.

Policies and practices that fail to properly distinguish between terrorists and legitimate refugees are ineffective security tools that waste limited resources, alienate those groups whose cooperation the U.S. government needs to prevent terrorism, and foster a false sense of security by promoting the illusion that we are reducing the threat of terrorism. While we must do all we can to enhance our security, the measures enacted since September 11 fail to take into account that refugees are already one of the most heavily screened groups of prospective immigrants to the U.S.

OVERVIEW OF THE HISTORY OF U.S. REFUGEE LAW

In order to understand and reshape our refugee policy to serve the needs of 21st Century America, we must first understand the history of the refugee program.

While the concept of *non-refoulement* (or non-return against one's will as asylum and refugee law is formally known), dates to antiquity, in modern times the first international agreement on asylum dates to December 1948. The United States was one of the original signatories of the Universal Declaration of Human Rights. Eleanor Roosevelt, wife of the late President Franklin D. Roosevelt, was both a representative to and then the chair of the United Nations (UN) committee charged with its drafting. The Preamble of the Universal Declaration states that "[D]isregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind..." And, as a result, Article 14 of the Universal Declaration identifies the right of individuals "to seek and to enjoy in other countries asylum from persecution."

Three years later, in July 1951, the *United Nations Convention relating to the Status of Refugees* provided the world with a definition of refugee based on a fear of persecution and set forth certain responsibilities and expectations for signatory states to live up to in the treatment and processing of refugees, including asylum-seekers.

The basic domestic immigration legislation in force in the United States is the "Immigration and Nationality Act" (INA) passed in 1952. The original version of the INA did not expressly contain provisions to handle the resettlement of refugees or displaced persons. In order to fulfill its international obligations in this arena, the United

States developed ad hoc legislation for the immigration of refugees (e.g., Displaced Persons Act of 6/25/48; Refugee Relief Act of 8/7/53; Fair Share Refugee Act of 7/14/60).

Beginning in 1956, the United States began large-scale use of the Attorney General's parole authority under Section 212(d)(5) of the INA to bring refugees to the United States. In order to allow the refugees paroled into the U.S. to adjust to lawful permanent resident status, Congress passed separate special legislation (e.g., Hungarian Refugee Act of 7/25/58; Cuban Refugee Act of 11/2/66; Indochinese Refugee Act of 10/28/77; Refugee Parolee Act of 10/5/78).

In 1965, Congress amended the INA to provide for the resettlement of refugees as a category of immigrants – conditional entrants. This was the first time that the United States enacted permanent refugee legislation. The term “refugee” was defined in geographical and political terms, as persons fleeing communist or communist-dominated countries or the Middle East. Conditional entrants were numerically limited under a preference system to 17,400 refugees annually.

In 1968, the United States acceded to the *1967 United Nations Protocol Relating to the Status of Refugees*, which incorporates the *1951 United Nations Convention relating to the Status of Refugees* (Refugee Convention). Article 33 of the Convention prohibits a signatory to the Convention from expelling or returning a refugee to a country where his or her life or freedom would be threatened on account of a protected characteristic in the refugee definition. A “refugee” is defined as any person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country...” (*1951 United Nations Convention relating to the Status of Refugees*, Art. I.A(2), United Nations Treaty Series No. 2545, Vol. 189, p. 137; *1967 United Nations Protocol Relating to the Status of Refugees*, Art. I.2, United Nations Treaty Series No. 8791, Vol. 606, p. 267).

In addition, Article 31 of this Convention bound signatory states to not penalize refugees and asylum-seekers that “enter or are present in their territory without authorization, provided that they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”

In 1980, Congress enacted legislation to bring U.S. law into compliance with obligations it assumed when it signed the Protocol on November 1, 1968. Prior to implementation of the 1980 Refugee Act, refugees under U.S. law were defined in political and geographical terms; unless there was a special act of Congress, refugees had to come from either communist countries or countries in the Middle East. The Congressional intent of the 1980 Refugee Act was to establish a politically and geographically neutral adjudication standard for both asylum status and refugee status, a standard to be applied equally to all applicants regardless of country of origin.

The statutory definition of refugee was derived from the Refugee Convention definition. Following the principle of *non-refoulement*, the Act made mandatory the withholding of deportation to a country where an individual's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

In contrast to the international definition, U.S. law expanded the definition of "refugee" to include someone who has been persecuted in the past, as well as someone who has a well-founded fear of future persecution.

Section 101(a)(42) of the INA states the following:

The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or

(B) in such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term "persecution" was not, and still is not defined by treaty, statute, or regulation. There is no universally accepted definition of persecution, only guidelines from various sources, including the UNHCR Handbook, precedent decisions, and international human rights law.

Interim Regulations for implementing the 1980 Refugee Act were promulgated in June of 1980. INS District Directors remained responsible for the adjudication of asylum applications filed by applicants who were not in deportation or exclusion proceedings (affirmative applications). Immigration officers conducted asylum interviews, in addition to their other duties. Final Regulations were published on July 27, 1990, and came into effect October 1, 1990.

On September 30, 1996, President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Some of the provisions of the Act were immediately effective, while others become effective after that date. (The changes to section 208 of the INA are applicable only to applications filed on or after April 1, 1997.) The IIRIRA nullified certain provisions in the Anti-Effective Death Penalty Act of 1996

(AEDPA) and expanded section 208 of the INA to codify a number of provisions that previously were regulatory and to incorporate new provisions. The most significant change was to expand the definition of political opinion to include resistance to a coercive population control program, while limiting the number of individuals who could be admitted as refugees or granted asylum under this provision to 1,000 per fiscal year.

On October 21, 1998, President Clinton signed legislation that required the Department of Justice to promulgate regulations to implement the United States' obligations under Article 3 of the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (27 June 1987), subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution to ratify the Convention. (Section 2242(b) of the Foreign Affairs Reform and Restructuring Act of 1998 (Pub. L. 105-277)).

Article 3 of the Convention against Torture prohibits the return of any individual to a country where there are substantial grounds for believing that the person would be in danger of being subject to torture. This is similar to Article 33 of the Refugee Convention, which prohibits removal of a person to a country where the person's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

On October 26, 2001, President Bush signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act of 2001) in response to the September 11, 2001 terrorist attacks in the United States. The act amended sections 212(a)(3)(B) and 237(a)(4)(B) of the INA by expanding grounds of inadmissibility based on terrorism, broadening the definition of "terrorist activity," adding two new definitions of "terrorist organization," and adding a separate ground of inadmissibility for those who have associated with a terrorist organization. The amendments are fully retroactive and apply regardless of when an alien filed his or her refugee or asylum application.

The USA PATRIOT Act also amended section 207 of the INA by prohibiting the granting of asylum to anyone who was or is a representative of a political, social, or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities or who has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities. (INA § 212(a)(3)(B)(i)(VI)).

NUMBERS AND CATEGORIES OF REFUGEES ADMITTED TO THE U.S. ANNUALLY

Historically, the number of refugees admitted to the United States regularly exceeded 100,000 each fiscal year. Our refugee admissions for the mid to late 1980's and early part of the 1990s were as follows:

FY1984	70,604
FY1985	67,166
FY1986	60,559
FY1987	58,863
FY1988	76,930
FY1989	106,932
FY1990	122,326
FY1991	112,811
FY1992	132,173
FY1993	119,482
FY1994	112,682

Then, beginning in 1995 and continuing to the most recent fiscal year, the refugee admissions have rapidly declined each fiscal year. In FY 1995, we admitted 99,490 refugees, while in fiscal year FY 2002, **we admitted only 27,029, and in FY 2003, we admitted only 28,422, with perhaps as few as 20,000 admitted in FY 2004.** This is so, even though the Executive Branch was authorized to admit 70,000 refugees each of the last two fiscal years. There appear to be several reasons for this decrease in admitted refugees. First, and the most likely reason for the recent decline, is the impact of the events of September 11, 2001 on the Department of State and USCIS's ability to effectively run the refugee program, in light of new security protocols. Second, because the U.S. was using the refugee program in the decade of the 1980s and early 1990s to attempt to internationally embarrass the Soviet Union and subsequently the countries of the former Soviet Union ("FSU") to force political change, when those political changes occurred, the necessity of granting asylum to citizens of those countries simply evaporated, thus, at least in the eyes of many, reducing the demand for refugee placement. Finally, there was a lapse on the part of the U.S. in recognizing the changing nature of refugees since the fall of the Soviet Union. Rather than a world of communists versus anti-communists, the world very quickly became one of religious and ethnic conflict; conflict that had been kept in check by the Superpowers during the Cold War, but conflict that now was unleashed without the checks and balances of a "parent" state.

STRUCTURE OF THE REFUGEE PROGRAM

Our refugee admission program is divided into five categories, creatively defined as Priority One, Priority Two, Priority Three, Priority Four, and Priority Five. It is important to understand the nature of these categories as you review our current refugee policies, as these categories ultimately define who we allow into the country as refugees.

Priority One (P-1) refugee status is reserved for compelling protection cases or refugees for whom no other durable solution exists, and who are referred for U.S. resettlement by the UNHCR or a U.S. embassy. Historically, these have included persons facing compelling security concerns in countries of first asylum, persons in need of legal protection because of the danger of *refoulement*, those in danger due to threats of armed attack in areas where they are located; persons who have experienced persecution because of their political, religious, or human rights activities, women-at-risk, victims of torture or violence, physically or mentally disabled persons, persons in urgent need of medical attention not available in the first-asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. P-1 referrals must still establish a credible fear of persecution or history of persecution in the country from which they fled. In addition, groups of individuals who share a common background and can be identified by name can also be referred on a P-1 list based on UNHCR registration information.

Priority Two (P-2) refugee status is reserved for groups of special humanitarian concern and includes specific groups (within certain nationalities, clans, or ethnic groups) identified by the U.S. State Department in consultation with the Department of Homeland Security/Citizenship and Immigration Services (DHS/USCIS), NGOs, UNHCR, and other experts. Some P-2 groups are processed in their country of origin. The following are the current source countries for the P-2 category:

Africa: Persons belonging to U.S. State Department-identified refugee groups (within specific nationalities) in consultation with NGOs, UNHCR, the DHS/USCIS, and other area experts. Groups are selected based on their individual circumstances. In FY 2004, a P-2 designation is being implemented for about 12,000 Somali Bantu in Kenya.

Cuba: In-country, emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and others who appear to have a credible claim that they face persecution.

Iran: Members of Iranian religious minorities, primarily those now in Austria.

Former Soviet Union: In-country, Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches. Preference among these groups is accorded to those with close family in the United States. In addition, a P-2 designation is being implemented for a group of Armenians from Baku, Azerbaijan, living in Russia.

Vietnam: In country, residual cases resulting from established programs: former reeducation camp detainees who spent more than three years in detention camps subsequent to April 1975 because of pre-1975 association with the U.S. government or the former South Vietnamese government; certain former U.S. government employees and other specified individuals or groups of concern; and persons who returned from

first-asylum camps on or after October 1, 1995 who qualify for consideration under the Resettlement Opportunities for Vietnamese Returnees (ROVR) criteria. In addition, residual Orderly Departure Program (ODP) cases registered and previously determined eligible for consideration may be processed. The designation also includes Amerasian immigrants, whose admissions are counted in the regional ceiling.

Priority Three (P-3) refugee status is reserved for spouses, unmarried children under 21, and parents of persons admitted to the United States as refugees or granted asylum, or persons who are lawful permanent residents or U.S. citizens who were initially admitted as refugees or granted asylum. Eligibility will be established on the basis of an Affidavit of Relationship (AOR) filed by the relative in the United States and processed through DHS/USCIS. All applicants must be located outside of their countries of nationality or habitual residence. The nationalities eligible for this "family unification" category in FY 2004 are Burmese, Burundians, Colombians, Congolese (from both Congo-Brazzaville and the Democratic Republic of the Congo), Iranians, Liberians, Somalis, and Sudanese.

Priority Four (P-4) refugee status is reserved for grandparents, grandchildren, married sons and daughters, and siblings of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. **(This category is not available for any nationality in FY 2004.)**

Priority Five (P-5) refugee status is reserved for uncles, aunts, nieces, nephews, and first cousins of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. **(This category is not available for any nationality in FY 2004.)**

WE MUST MEET OUR TREATY AND MORAL OBLIGATIONS IN PROVIDING SAFE HAVEN FOR REFUGEES AND ASYLEES

As noted above, we are bound by international treaty to accept refugees who arrive in America. Those individuals are then subject to our laws pertaining to asylum, as defined by Congress in INA 208. While we are not here today to speak about our asylum process, which itself is desperately in need of proper reform, we must focus on the essential need to "get it right." Unlike a visa application which is wrongfully denied and can result in negative consequences such as the loss of a job or inability to reunite with a family member, mishandling a refugee determination or misplacing the priorities about whom our refugee process should protect literally can mean the loss of that person's life. By treaty, we are not necessarily obligated to resettle any specific individual nor is the U.S. required to resettle a certain number of refugees in any given year. The U.S. does work directly with the UNHCR in an attempt to ameliorate the plight of refugees worldwide. The UNHCR has been designated by United Nations member states, including the U.S., to be the first source identifier for refugees worldwide.

Because we have no specific treaty obligations to accept refugees for permanent resettlement, and because we do meet most of our treaty obligations as they pertain to individuals seeking asylum in the United States, our refugee program is carried out

precisely because of what the United States gains from the program, including helping to achieve our political goals, benefiting from the kinds of refugees who are admitted to our country, satisfying the basic and noble American instinct to protect those who cannot protect themselves, and enhancing our security.

WE MUST RESTORE TIMELY REFUGEE PROCESSING, AND SUBSEQUENT SOCIETAL INTEGRATION, TOGETHER WITH ENHANCED SECURITY MEASURES TO PROMOTE OUR OWN NATIONAL INTERESTS

Having an effective, secure refugee program, one in which all available refugees numbers are allocated and processed can only serve to make America the example in the world in how to treat the oppressed, the helpless and the betrayed. We cannot ask others to do what we are not willing to do ourselves. We have shown this in our leadership in Iraq, and must also show it in the processing of refugees.

Almost immediately after September 11, 2001, refugee processing ceased. This meant that while all other types of immigrants were allowed to come to the United States, refugees could not, even those who had already been screened by the former INS, and were literally a plane ride away. As eloquently said by Ralston Deffenbaugh, LIRS President: "This situation is ironic, given that refugees are already more thoroughly screened than other groups of entrants, that refugees themselves are by definition victims of persecution, and that there had been no evidence to suggest that refugees are likely to be dangers to our society. To the contrary, the fact that refugees—among the group of "the least of these" for whom Jesus calls us to care in Matthew 25—have been uniquely disadvantaged means that we should redouble our efforts on their behalf at this time." This statement is emblematic of President Reagan's reference to the "Shining City on the Hill," and reminds us that we need to be the world leader and example in dealing with refugee matters.

SPECIFIC RECOMMENDATIONS

I recommend the following goals for the coming year for the international refugee program:

1. Congress and the Administration need to resist the bad advice of those who would close this nation's doors and heart to those most in need of protection. We must repudiate the policies of those who, in the name of security, urge us to eliminate or dramatically reduce the refugee (and asylum) programs. Such a closure would be a false solution and would endanger the lives of those who seek, and merit, our protection. There are large numbers of desperate individuals fleeing repressive regimes in Burma, North Korea, and other such countries, as well as many fleeing political, religious and ethnic violence in Sudan, Burundi, and Colombia. Contrary to the allegations of some, we do not seek to resettle all, or most, of the world's refugees, but we need to do a better job of resettling the limited number whom we agree each year to resettle. We must keep faith with our obligations

and actually admit the agreed upon refugee levels. Whatever the number, we must admit and resettle that number.

2. The State Department and USCIS need to improve their performance in identifying more refugees, more quickly, and listening to the political will of Congress and the Administration on the types of refugees we seek to and must protect.
3. The U.S. must increase access to the U.S. Refugee program by use of more inclusive processing priorities. This would include greater use of group designations, and speeding up processing for individual refugees, especially those who have suffered or are at risk of suffering human rights abuse in their country of asylum.
4. The U.S. should review and expand the categories used as processing priorities. The current approach was designed during the cold war to specifically target dissidents and defectors from communist regimes. Our current procedures are not suited to a world of brutal dictators, religious violence and civil wars that cause the long-term refugees we see today. For example, persecution of Christians in China is only now coming to the attention of the mainstream media, but has been known to religious organizations active in China for many years. Yet, no program exists for these individuals to seek refugee status based on their religious beliefs
5. Congress must vote to increase the cap on coercive family planning cases, currently limited to 1,000 per annum. Given the number of individuals faced with this affront to their most basic of human activities, the preservation of life, and as a country which cherishes that right, the United States should allocate more refugees numbers to this type of persecution, without taking numbers away from other areas.
6. Congress must enhance and clarify the ability of the USCIS and the Department of State to grant Public Interest Parole to individuals whose family members have been granted refugee status.
7. Because a well-run refugee program is in the U.S. national interest, it is important that we get it right: that the program is sufficiently funded, all unallocated slots are used, and administrative actions are taken that support the voluntary agencies that are so essential to the refugee resettlement process.
8. Most important of all, we must remember that the U.S. refugee program actually saves lives. It does not just give people a chance to live the "American Dream." It actually ensures that people can live and have hope for tomorrow, rather than face certain death. Our refugee program has been, and needs to continue to be, an example for the rest of the world. We need to make it the best example possible.

**Statement of Senator Patrick Leahy
Subcommittee on Immigration, Border Security, and Citizenship
Hearing on "Refugees: Seeking Solutions to a Global Concern"
September 21, 2004**

Today's hearing provides our annual opportunity to review the state of our refugee program. According to the United Nations High Commissioner for Refugees, there were 9.7 million refugees in the world at the end of 2003. Many of them live in desperate conditions in refugee camps around the world, and a substantial number have no realistic hope of returning to their homes in the foreseeable future. Our ideals and our tradition demand that we assist these people, including by offering some refuge in our nation.

This administration has indicated that we will resettle more than 50,000 refugees in the United States in the current fiscal year. Although this is a substantial increase from the 28,421 refugees admitted in fiscal year 2003, we will again fall far short of the President's stated goal of resettling 70,000 refugees.

I know that there are many dedicated people in the State Department and the Department of Homeland Security who are working hard to increase the numbers of refugees admitted. I urge them to continue their work, and I would ask our witnesses today to offer their concrete plans for how we will again reach the 70,000 refugees plateau.

I would like to note an issue of great importance to me that was included in the report on the refugee program from the Departments of State, Homeland Security, and Health and Human Services, which this Committee recently received. The report stated: "We note that the 10,000-person statutory limitation on the number of asylees who can adjust their status has resulted in a backlog of adjustment of status applications some 17 years long. Nearly 22,500 individuals were granted asylum during fiscal year 2003. It is estimated that these asylees from 2003 will not be eligible to apply for U.S. citizenship until at least 2025 if the cap remains at 10,000 adjustments per year."

Along with Senator Kennedy, Senator Brownback and others in Congress, I have long believed that we should abolish the arbitrary annual cap on the number of asylees who can become legal permanent residents. This is not about who can come here, or giving people rights they would not otherwise have. These are people who our government has found have a reasonable fear of persecution if they returned to their countries. They live and work here legally and they have the right to apply to become citizens, but the backlog caused by this cap forces them to wait for 17 years to become citizens. Some are literally dying before their applications for citizenship can be processed. Abolishing the cap

would also enhance homeland security, because any asylee or other alien who applies for citizenship must go through a rigorous background check.

I know Senator Sessions is interested in this issue, and I am encouraged that the Administration has indicated a desire to work with us to address what has really become an issue of basic fairness for people who have complied with our immigration laws.

Finally, I would like to take this opportunity to praise my own State's dedication to refugees. I am proud that Vermont has provided a home for refugees from Bosnia, Vietnam, Sudan, Somalia, and elsewhere around the world. The presence of these refugees has made Vermont a richer and better place to live.

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Testimony by Lavinia Limón
Executive Director, U.S. Committee for Refugees

Ending the Practice of Refugee Warehousing

Before the Senate Judiciary Subcommittee on
Immigration and Border Security
September 21, 2004
“Refugees: Seeking Solutions to a Global Concern”

DEPENDENT THE RIGHTS OF REFUGEES, ASYLUM SEEKERS, AND DISPLACED PERSONS WORLDWIDE

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Mr. Chairman, Senator Kennedy, other distinguished members of the subcommittee, thank you for inviting the US Committee for Refugees to testify today and for convening this most important hearing. Recent events in the Sudan remind us that refugees are the human face of war and that the escape from terror and search for freedom continues today.

The US Committee for Refugees was established in 1958 in response to President Eisenhower's call that a committee be formed to facilitate the United States' participation in the first World Refugee Year, an event that preceded the closure of all refugee camps in Europe. The President expected that ten years after the end of World War II refugees would find a new life – that they would either return home, permanently settle in their country of refuge, or resettle in a third country – that they would find a durable solution to their plight. His leadership was successful and USCR was already advocating on behalf of refugees when the last refugee camp in Europe was burned to the ground.

But it is clear that in the latter part of the 20th Century and the beginning of the 21st the search for durable solutions has been a failure for the majority of refugees. In our research, published in our 43rd annual World Refugee Survey – the Warehousing Issue, we found that there are 12 million refugees worldwide with no durable solution in sight. And even worse, 7 million of these have been confined to camps or segregated settlements or have been

otherwise been deprived of their basic human rights, laid out in the 1951 Refugee Convention, for ten years or more. They live lives of hopeless dependency, dangerous insecurity and endless despair.

USCR recommends a renewed commitment to ensure that refugees are free to exercise their rights, *in the absence of a durable solution*, as specified in international law. These rights include:

- The right to work
- Freedom of movement
- The right to own property
- Basic education

Since USCR began highlighting the warehousing problem and the rights laid out in the Convention, we have had an overwhelmingly positive response.

We have developed a sign-on statement against the warehousing of refugees and nearly 100 organizations and notable individuals worldwide have signed on; examples include the Darfur Organization for Human Rights and Development in Sudan, the Committee in Defense of Democracy and Human Rights in Israel, Nobel laureate Archbishop Desmond Tutu and Stephen Moore, President of the Club for Growth.

Notable academics and the major donor and refugee assistance agencies involved in refugee camp management agreed with us: the warehousing of refugees and denial of basic human rights is wrong, both legally and

morally. However, we have been rightfully challenged by our colleagues to develop practical ways of implementing Convention rights for refugees while they are waiting for a permanent solution.

As we develop the next steps, it is important to see the warehousing problem more clearly by listening to refugees and the countries that host them.

Abraham, a Sudanese refugee who spent ten years of his young life in Kakuma refugee camp in Kenya says,

‘When I arrived in the camp I thought I would be there for a month and then go back home. I arrived when I was twelve years old, and left when I was 22. We could not travel or work outside the camp. So the camp was literally an open-air prison – a storage place where they kept human beings. We suffered the most mentally. We could not predict when this hardship would end. Even prisoners have more rights than refugees. Prisoners know exactly what term they are serving. Refugees serve indefinite terms in the camp. I thought maybe God did not mean for us to live like human beings.’

We asked Abraham what might help change these warehousing conditions.

He said,

‘Keeping refugees in this condition is not smart for the international community or the Kenyan government. It increases the burden to support refugees. Refugees are not stupid or unproductive. If you give

them opportunities, they can help reduce the burden on the host community.'

Thanks to the United States Refugee Program, Abraham now lives in Vermont. Yet 88,986 refugees remain in Kakuma refugee camp.

We have also consulted with several host government officials in Africa who responded by noting that if they keep refugees in camps, the international community pays attention to them and provides them with assistance. If refugees were not in camps, they believe donor nations would not help manage the situation. The critical role that host country governments play in securing refugee rights must be considered by the international community at the onset of a refugee emergency, not only after years of seeking elusive solutions. The deprivation of refugee rights for any length of time is a tragedy.

USCR is investigating whether current conditions in Chad indicate 'warehousing in the making'. With ongoing conflict in Darfur and the establishment of camp management systems along the border region, we have to ask ourselves, "Who is preparing the government of Chad to engage with the refugee community in the long-term, to recognize the rights refugees have under the Convention to live as free people?" We are afraid the answer is no one but USCR is prepared to engage the Department of State, UNHCR and other interested parties in addressing this issue.

So what can be done to end warehousing? It is clear the answers are both complex and simple. The complex answer is that UNHCR, the donor community and host governments must adopt new policies and devise new practices that prioritize refugee rights. We believe it would be enormously helpful if the Senate passed a resolution calling for the end of refugee warehousing. This would be a powerful signal to the world that it's time to honor refugee rights. Congress should also authorize a pilot program that would 1) develop a plan for the strategic use of funding to motivate the granting of Convention rights to refugees, such as reimbursement schemes for expenses incurred by host governments and 2) develop alternative models of assisting refugees outside traditional camp settings in a manner compatible with the exercise of Convention rights. Congress should also request a report from the State Department on how refugee assistance is or could be used to promote refugee rights.

The simple answer, in response to Abraham and all the other millions of warehoused refugees, is we believe that God does intend for refugees to live like human beings. The simple answer is that *WE* must start honoring their rights and stop the immoral and illegal practice of warehousing refugees. Thank you, Mr. Chairman.



September, 2004

STATEMENT CALLING FOR SOLUTIONS
TO END THE WAREHOUSING OF REFUGEES

The 1951 Convention and the 1967 Protocol Relating to the Status of Refugees provide that persons fleeing persecution across borders deserve international protection, including freedom from forcible return (*refoulement*) and basic rights necessary for refugees to live a free, dignified, and self-reliant life even while they remain refugees. These rights include the rights to earn a livelihood—to engage in wage-employment, self-employment, the practice of professions, and the ownership of property—freedom of movement and residence, and the issuance of travel documents. These rights are applicable to refugees independently of whether a durable solution, such as voluntary repatriation, third-country resettlement, or naturalization in the country of first asylum, is available. They are part of the protection mandate of the United Nations High Commissioner for Refugees (UNHCR).

Of the nearly 12 million refugees in the world today, more than 7 million are *warehoused*, confined to camps or segregated settlements or otherwise deprived of these basic rights, in situations lasting 10 years or more. Warehousing refugees not only violates their rights but also often reduces refugees to enforced idleness, dependency, and despair.

In light of the foregoing, the undersigned:

1. denounce the practice of warehousing refugees as a denial of rights in violation of the letter and spirit of the 1951 Convention and 1967 Protocol and call upon the international community, including donor countries, host countries and members of the Executive Committee of UNHCR to do the same;
2. call upon the international community to develop and implement strategies to end the practice of warehousing, including examining how refugee assistance can enable the greater enjoyment of Convention rights;
3. call upon UNHCR to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;
4. call upon those countries that have not yet ratified the Convention or the Protocol to do so;
5. call upon those countries that have ratified the Convention and/or the Protocol but have done so with reservations on key articles pertaining to the right to work and freedom of movement to remove those reservations; and
6. call upon all countries to pass legislation, promulgate policies, and implement programs providing for the full enjoyment of the basic rights of refugees as set forth in the Convention.

DEFENDING THE RIGHTS OF REFUGEES, ASYLUM SEEKERS, AND DISPLACED PERSONS WORLDWIDE

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Organizations

- Action Réfugiés Montréal*
 Africa Internally Displaced Persons Voice
Al Mezan Center for Human Rights (Gaza)
 American Immigration Lawyers Association
 American Refugee Committee International
 Amnesty International
 Anglicare Refugee and Migrant Services
 (Australia)
 Arab Program for Human Rights Activists
 (Egypt)
 Association of Human Rights Activists Bhutan
 Asylum Seekers Project, Hotham Mission
 (Australia)
 Boaz Trust (UK)
 British Refugee Council
 Canadian Council for Refugees
 Caritas Sweden
 Center for International Policy (US)
 Church World Service, Immigration and
 Refugee Program (US)
Comité Internacional de Rescate (Spain)
 Committee in Defence of Democracy and
 Human Rights (Israel)
 Concern America
 Darfur Organization for Human Rights and
 Development
 Doctors of the World (USA)
 Dutch Refugee Council
 Episcopal Migration Ministries (US)
 Ethiopian Community Development Council
 European Council on Refugees and Exiles
 Finnish Red Cross
 Freedom House
 Genocide Watch
 Group 484 (Serbia and Montenegro)
 Heartland Alliance for Human Needs and
 Human Rights (US)
 Hmong National Development
 Hodi (Zambia)
 Human Rights First
 Human Rights Watch
 Immigration and Refugee Services of America
 International Catholic Migration Commission
 International Journal of Refugee Law
 International Refugee Research Institute (US)
 International Refugee Rights Initiative
 International Rescue Committee (US)
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 Lutheran Immigration and Refugee Service (US)
 Lutheran World Federation
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Maluku Masa Depan (Indonesia)
 Mercy Corps
 Norwegian Organisation for Asylum Seekers
*Office Africain pour le développement et la
 coopération* (Senegal)
 Organization for Aid to Refugees (Czech
 Republic)
 Physicians for Human Rights
Pro Asyl—Human Rights Organization for
 Refugees in Germany
 Refugee Consortium of Kenya
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 Refugee and Immigration Legal Centre
 (Australia)
 Refugee Law Project, Makerere University
*Rencontre Africaine Pour la Défense des Droits de
 l'Homme* (Senegal)
 Representatives of the Massaleit Community in
 Exile
 RESPECT Refugees Ghana
 Self-help Initiative for Sustainable Development
 (Ghana)
 South Asia Human Rights Documentation Center
 Southeast Asia Resource Action Center
 Spanish Commission for Refugee Assistance
 Sudan Emancipation & Preservation
 Network
 Unitarian Universalist Service Committee (US)
 U.S. Committee for Refugees
 West African Refugees and Internally
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 Trinity College Dublin
The Reader in Refugee Law: Cases, Documents and Materials (ed.)

Stephen Castles

Director, Refugee Studies Centre
 University of Oxford
The Age of Migration: International Population Movements in the Modern World

Guy S. Goodwin-Gill

All Souls College, University of Oxford
The Refugee in International Law

Barbara E. Harrell-Bond

Forced Migration and Refugee Studies
 American University in Cairo
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James C. Hathaway

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The Rights of Refugees under International Law

Karen Jacobsen

Director, Refugees & Forced Migration Project
 Fletcher School and Feinstein International
 Famine Center, Tufts University

Tamar Jacoby

Manhattan Institute
Reinventing the Melting Pot: The New Immigrants and What it Means to Be American (ed.)

Gilbert Loescher

International Institute for Strategic Studies
The UNHCR and World Politics: A Perilous Path

Stephen Moore

President, Club for Growth
The Economic Consequences of Immigration, 2nd edition (revisor)

Grover Norquist

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Stephen J. Stedman

Stanford Institute for International Studies
Refugee Manipulation: War, Politics, and the Abuse of Human Suffering (ed.)

Fiona Terry

Research Director (former), *Médecins Sans Frontières*—Paris
Condemned to Repeat? The Paradox of Humanitarian Action

Desmond M. Tutu

Archbishop Emeritus, Nobel peace laureate
God Has a Dream: A Vision of Hope for Our Time

Jody Williams

Ambassador, International Committee to Ban Landmines, Nobel peace laureate

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FEDERATION FOR AMERICAN IMMIGRATION REFORM

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September 22, 2004

The Hon. Saxby Chambliss
 Chair, Immigration Subcommittee
 Russell Senate Office Bldg. C-2
 Washington, DC 20510

Dear Senator Chambliss,

The hearing over which you presided on September 21 on the U.S. refugee program was, as you said, free of acrimony. But that was only because all of the witnesses were supporters of the refugee program. You should be aware that not everybody would agree with the idea of expanding the size of the refugee settlement program.

We know from public opinion polling that a large majority of the American public would like to see fewer immigrants admitted into the United States. We are sure that if the same question were put to the public in terms of the refugee settlement program, a similar large majority of Americans would support either reducing or maintaining the current level of refugee admissions.

You made an excellent point that we are shouldering much more than a fair share of the burden in resettling refugees. You also nicely made the point that the argument that a high level of admissions by the United States is not related to the refugee admission policies of other countries when you elicited the information that the admission by others did not drop off when ours did following the 9-11 terrorist attacks.

The Jordan Commission, in its 1995 "Principles for a Properly Regulated Immigration Policy," recommended a ceiling for the refugee admission program of 50,000 per year not including asylum admissions. This ceiling could be reached only in emergency situations by joint agreement of Congress and the President. We think that was a realistic recommendation that has been unfortunately ignored by Congress.

We are to ally opposed to the expansion of entitlement to groups of refugees, as urged by one of your witnesses. It is a perversion of the international convention's protections that are aimed at protecting *individuals* who fear persecution, not *groups*.

Another proposal that we oppose is raising the ceiling on asylum admissions from the current 10,000 per year. The current backlog of approved asylum

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cases is not evidence that the ceiling is too low, but rather that the granting of asylum has gotten out of control. A large part of the current problem is increasingly expansive definitions of who falls into the "particular social group" category in the refugee definition. It is persistently being leveraged wider by the immigration bar to mean such things as familial abuse and sexual orientation discrimination; conditions unthinkable at the time the definition was adopted. These are especially difficult cases to decide on their merits, as there is often little more than the claimant's story.

The only appropriate remedy to the backlog problem is to reduce the number of asylum grants, and the appropriate way to do that is to remove the social group provision from the Immigration and Nationality Act definition of a refugee.

Sincerely,



Dan Stein
Executive Director

cc: The Hon. Edward Kennedy